



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: May 6, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **DSCD Holdings, LLC, Conditional Use Permit**  
Record Number: PLN-11844-CUP  
Assessor's Parcel Number (APN): 210-071-007  
1771 China Mine Road, Bridgeville area

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Please contact Max Hilken, Planner, at 707-443-5054 or by email at [hilkenm@lacoassociates.com](mailto:hilkenm@lacoassociates.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	Max Hilken

**Project Description:** A Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

**Project Location:** The project is located in the Larabee Valley area, on the south side of State Highway 36, approximately 1.36 miles southwest from the intersection of China Mine Road and State Highway 36, on the property known as 1771 China Mine Road, Bridgeville.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-11844-CUP

**Assessor's Parcel Number:** 210-071-007

**Applicant**

DSCD Holdings, LLC  
1771 China Mine Road  
Bridgeville, CA 95526

**Owner**

Dennis Wheeler  
1771 China Mine Road  
Bridgeville, CA 95526

**Agents**

Rain & Zepp, PLC  
C/O Nate Madsen  
517 Third Street  
Eureka, CA 95501

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** None.

**Recommended Commission Action:**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the DSCD Holdings, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** DSCD Holdings, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 14,322 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in two (2) separate areas: Cultivation Area 1 (western area) contains 5,514 SF of full-sun outdoor cultivation and Cultivation Area 2 (eastern area) contains 8,808 SF of mixed-light cultivation within six (6) greenhouses utilizing supplemental lighting. Ancillary propagation occurs in six (6) distinct areas that total 2,670 SF. Up to five (5) harvests for the mixed-light greenhouses are anticipated annually.

Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop structure constructed in 2010 for processing and an 834 SF drying facility constructed in 2017. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to eight (8) employees may be utilized during peak operations. Power is provided by a 25Kw Multiquip portable generator. The operation is secured behind a gated road and an electronic surveillance system is planned for installation.

**Nursery Space**

The operation's immature plant areas are used in the spring and summer for start development and then those same areas are used for storage and some packaging tasks from time to time in the fall and/or winter. As noted above, ancillary propagation associated with the operation occurs in six (6) distinct areas that total 2,670 SF. This equates to approximately 18.6% of the total cultivation area. However, a nursery space of 10% of the cultivation area is what planning division staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 1,432 SF.

The applicant's agent provided justification as to why the current nursery space is needed for the operation on December 22, 2019 (Attachment 3). Per the provided justification, the applicant maintains mother plants as a source of cuttings in the ancillary propagation area and maintaining mother plants requires more space. It is further noted that a crowded mother and/or cuttings area leads to more pest development. By devoting additional space to the propagation area, it is noted that the applicant is able to minimize pest issues and avoid the need for harsh pest treatments. It is further noted that 25% nursery space was historically accepted by the County for ancillary propagation areas and the applicant developed their propagation area plan with this understanding at the time.

As the current nursery space (2,670 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 1,432 SF.

## Water Resources

Estimated annual water usage is 531,500 gallons (37.1 gal/SF) with peak demand occurring in August at approximately 96,000 gallons, as shown in the table below. Hand and drip irrigation are utilized in order to reduce waste and eliminate runoff.

Estimated Well Water Usage Associated with the Existing Cultivation											
Gallons per Month											
Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
6,200	5,600	6,200	43,200	64,500	82,500	87,000	96,000	87,000	46,500	6,000	6,200
Total Estimated Annual Water Usage (gallons)											531,500

Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. However, two (2) of these tanks (3,000 and 5,000 gallons) are utilized solely for domestic use, one (1) 3,000-gallon tank is used for fire reserve water, and six (6) tanks (totaling 5,310 gallons) are utilized for nutrient mixing.

Water for irrigation is provided by a permitted onsite well (16/17-0244). The onsite well is also registered with the California Department of Water Resources (WCR2018-000568). As shown on the site plans, the well is located just north of Greenhouse A in the eastern portion of the site, approximately 140 feet west of the nearest Streamside Management Area and at approximately the same elevation. According to the Well Completion Report (Attachment 3), the well is 180 feet deep and drilled through sandstone and sandstone with shale. A blank is installed for the first 80 feet of the well, with screening between 80 to 140 feet below the surface, an additional blank between 140 and 160 feet below the surface, and additional screening from 160 to 180 feet below surface. Based on the distance from the nearest watercourse and the use of a blank for casing of the first 80 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs.

The existing point of diversion, as shown on the site plan and described in the Revised Cultivation Operation Plan (Attachment 3), is primarily utilized for domestic use. However, water for onsite employees is sourced from the registered point of diversion and is delivered through the existing onsite domestic water system. Water is gravity fed from the spring to the 2,500-gallon storage tank, where it is pumped directly to the residence. Per the applicant, the spring does not flow off the property. A Final Streambed Alteration Agreement (SAA Notification No. 1600-2018-0651-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was issued in May 2019 for two encroachments, which include use of an existing steel flat bridge crossing on Mule Creek (a Class I stream) and for water diversion from an unnamed tributary to Mule Creek for domestic use. The Agreement limits the maximum instantaneous diversion rate to five (5) gallons per minute and limits diversion to a maximum of 200 gallons per day during the low flow season from May 15 to November 15 of each year.

Mule Creek, described as an intermittent fish bearing (Class I) tributary to Butte Creek in the project's Biological Assessment, prepared by Timberland Resource Consultants in November 2018, bisects the southern portion of the site, south of China Mine Road. A 100-foot Streamside Management Area (SMA) buffer with an approximately 70-foot-wide riparian setback are shown on the Site Plan. Additionally, a very small portion of an additional 50-foot SMA buffer is denoted within the northeastern most portion of the property, with an approximately 70-foot-wide riparian buffer area also shown. Both cultivation areas and structures are outside of the SMA and riparian area buffers, except for a portion of China Mine Road, which is partially located within the riparian area buffer along Mule Creek, as well as the existing point of diversion and associated 2,500-gallon water tank, which are located within the SMA buffer area. As



described in the Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants in April 2016 (Attachment 3), the operation provides sufficient riparian and wetland protection and management, with cultivation located more than 250 feet from Mule Creek and riparian buffers onsite remain undisturbed, are maintained at natural slope with native vegetation, exceed the minimum required width, and are fully functional.

### **Biological Resources**

The project is partially mapped within potential habitat of one sensitive species, Pacific gilia, an annual herb. The nearest NSO sighting is located approximately 0.6 miles southeast of the cultivation area. As noted above, a Biological Assessment was prepared by Timberland Resource Consultants in November 2018. As provided in the Biological Assessment, there are no biological resources mapped within the biological assessment area and the project will not result in loss of any sensitive natural community. Provided the applicant follows the conditions, recommendations, and Best Management Practices included in the WRPP and Agreement with CDFW, the project biologist notes the project will not present a significant risk to water quality and aquatic habitats. It is noted in the Biological Assessment that the nearest NSO nest/roost habitat is located approximately 120 feet away and the road network on the property passes through potential NSO breeding habitat. However, significant noise impacts are not anticipated, as the specifications for the generator utilized onsite note the generator produces 63dB at a distance of 23 feet which would equate to approximately 51dB at 100 feet and the applicant is building a structure around the generator to further reduce impacts. Staff finds the generator meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. Additionally, while road maintenance involving heavy equipment may result in noise levels over 70dB, significant impacts may be reduced by performing such maintenance outside of the critical bird nesting season (February 1<sup>st</sup> through July 8<sup>th</sup>).

Several recommendations are included in the Biological Assessment in order to reduce potential impacts on sensitive biological resources, including performing floristic surveys if any additional ground disturbance is proposed, covering mixed-light greenhouses from sunset to sunrise so no light escapes the structures, and utilizing heavy equipment outside of the critical bird nesting season or performing NSO surveys before operations occur. An ongoing condition of approval is included to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Additionally, the project is conditioned adhere to the avoidance and minimization measures required under the issued Final LSAA#1600-2018-0651-R1, as well as the measures identified in the Remediation Plan, not dated and date stamped received by the County in October 2018, for the areas deemed as expansion of operation by the County, based on the Cultivation Area Verification (CAV) dated March 2018 (shown along the western property boundary on the Site Plan). Such measures include maintaining the area as a fire safe area with grass and brush cut to less than six (6) inches during dry seasons, quarterly monitoring of the remediation area, and reseeding as necessary and seasonally appropriate. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

The cultivation of cannabis as proposed under this permit will not result in the net conversion of timberland. The location of existing cultivation has occurred in a previously developed footprint that was developed for a residence and light agriculture use before 2005. A review of aerial imagery on the Humboldt County WebGIS shows that additional timber conversion occurred between 2016 – 2018 on either end of the previously cleared area, especially in the western area of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance

with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016.

### **Access**

Access to the site is via a driveway off of China Mine Road via State Highway 26. In a referral response from the County Public Works Department in January 2019 (Attachment 4), the project has no direct effect on any facilities maintained by the County. Both China Mine Road, a private road, and State Highway 36 are not County-maintained roads. A Road Evaluation report for a 1.2-mile segment of China Mine Road was prepared by A.M. Baird Engineers (Attachment 3) in August 2018, which indicates the entire road segment is developed to category 4 equivalent standard and the roadway can accommodate the cumulative increased traffic from the project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-**

**Record Number: PLN-11844-CUP**

**Assessor's Parcel Number: 210-071-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the DSCD Holdings, LLC, Conditional Use Permit request.**

**WHEREAS, DSCD Holdings, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:**                      **Project Description:** The application is a Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

**EVIDENCE:**                      a) Project File: PLN-11844-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration

(MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by Timberland Resource Consultants in April 2016 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Conditions of approval require the applicant to adhere to and implement the recommendations of the WRPP. Conditions of approval also require the applicant to demonstrate and maintain enrollment in the State Water Resources Control Board's Cannabis Cultivation Policy program.
- d) A Biological Assessment Report was prepared by Timberland Resource Consultants in November 2018. The Assessment methods included, but was not limited to, a search of the California Natural Diversity Database (CNDDB) California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. The cultivation areas are not located within wetland or riparian areas. No biological resources are mapped in the project location. The nearest Northern Spotted Owl nest/roost habitat is located approximately 120 feet away from the onsite generator and the property's road network passes through potential NSO breeding habitat. Several recommendations are provided in the Biological Assessment and included as Conditions of Approval in order to reduce potential impacts, including performing floristic surveys if any additional ground disturbance is proposed, covering mixed-light greenhouses to prevent light spillage from the structures, and not utilizing heavy equipment between February 1<sup>st</sup> through July 8<sup>th</sup>, or performing NSO surveys before operations occur during this time period. An additional Condition of Approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. Conditions of approval require the applicant to adhere to and implement the recommendations contained within the Biological Assessment Report.
- e) A Cultural Resources Investigation Report was carried out by William Rich and Associates in April 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for China Mine Road by A.M. Baird Engineering & Surveying in August 2018 which identified that the entire road segment is developed to category 4 equivalent standard and is suitable for safe access to and from the project site.

**FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING**

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE**

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an

agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**4. FINDING**

The proposed development is consistent with the purposes of the existing zone in which the site is located.

**EVIDENCE**

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture and residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 5,514 SF full-sun outdoor and 8,808 SF of mixed-light cultivation on an approximately 32.5-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded March 10, 1967, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by a permitted well (16/17-0244) (Attachment 3). The well is located just north of Greenhouse A in the eastern portion of the site, approximately 140 feet west of the nearest Streamside Management Area and at approximately the same elevation. According to the Well Completion Report, the well is 180 feet deep and drilled through sandstone and sandstone with shale. A blank is installed for the first 80 feet of the well, with screening between 80 to 140 feet below the surface, an additional blank between 140 and 160 feet below the surface, and additional screening from 160 to 180 feet below surface. Based on the distance from the nearest watercourse and the use of a blank for casing of the first 80 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs. Additionally, water for onsite employees is sourced from the registered point of diversion and is delivered through the existing onsite domestic water system.
- d) A Road Evaluation Report was completed by A.M. Baird in August 2018. The

Evaluation addressed the 1.2-mile segment of China Mine Road, a private road, to State Highway 36, which is a S-maintained road. China Mine Road was found to be developed to the equivalent of a road category 4 standard and functionally appropriate for the expected traffic.

- e) The slope of the land where cannabis will be cultivated is less than 5% as described by the WRPP prepared by Timberland Resource Consultants dated April 13, 2016.
- f) The cultivation of cannabis as proposed under this permit will not result in the net conversion of timberland. The location of existing cultivation has occurred in a previously developed footprint that was developed for a residence and light agriculture use before 2005. A review of aerial imagery on the Humboldt County WebGIS shows that additional timber conversion occurred between 2016 – 2018 on either end of the previously cleared area, especially in the western area of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## **6. FINDING**

The cultivation of 14,322 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

### **EVIDENCE**

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is near or over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well (Permit No. 16/17-0244, dated 9/22/2016) that has been permitted by the Environmental Health Department and is also registered with the California Department of Water Resources (WCR2018-000568).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for DSCD Holdings, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on May 6, 2021.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
  - a. Exact use and dimensions of each structure onsite.
  - b. Perimeter dimensions of each outdoor cultivation area.
  - c. Location, storage capacity, and use of all hard storage tanks described in the updated Operations Plan dated November 25, 2020. A total of 17 hard storage tanks are noted, but only six (6) are currently shown on the site plan. The location of which, shall remain outside of existing Streamside Management Areas per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance.
  - d. Revise the square footage of the ancillary propagation areas to be a maximum of 1,432 square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant shall demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation prior to processing on-site. This can be accomplished by either installing a new permitted septic system or by provided the Division of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the State Water Resources Control Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized during the construction of these improvements for cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall implement all corrective actions detailed in the Remediation Plan developed for the parcel, not dated, but received by the County on October 25, 2018. Photo documentation demonstrating the cannabis cultivation has been removed from the expansion area and grass cover has been reestablished shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall continue to implement the measures and recommendations described in the Water Resources Protection Plan (including but not limited to implementing additional water conservation measures), prepared by Timberland Resource Consultations in April 2016, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023. A letter or similar communication from the NCRWQCB Regional Water Board verifying that all their requirements have been met will satisfy this condition.
11. The applicant is required to show proof of enrollment in the State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and implement any additional measures and recommendations described within a Site Management Plan prepared by a Qualified Professional as required under the Cannabis General Order WQ2019-0001-DWQ. A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall adhere to all requirements specified in the Streambed Alteration Agreement entered into between the California Department of Fish and Wildlife (CDFW) and applicant (Permittee) on May 20, 2019 (Notification No. 1600-2018-0651-R1) pertaining to the use of an existing steel flat bridge crossing on Mule Creek (a Class I stream) and for water diversion from an unnamed tributary to Mule Creek for domestic use. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
13. The applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016. The report shall contain monitoring and reporting requirements that requires a minimum of three years of monitoring with an 85% success rate. The report shall be submitted

annually at the time of the annual inspection and continue until the monitoring and reporting requirements are met. A sign-off from the Planning Department shall satisfy this condition.

14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
15. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
16. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
18. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
19. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

**B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying

CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) on November 5, 2018, which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; covering mixed-light greenhouses from sunset to sunrise to ensure no light escapes the structures; and, avoid heavy equipment operations during NSO critical period (February 1 – July 8) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen

to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to



assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 32 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**I**

**APN 210-071-007; 1771 China Mine Road, Bridgeville  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**April 2021**

## Background

**Modified Project Description and Project History** – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (CUP-16-407) for existing 14,322 square foot (SF) cannabis cultivation operation of which 5,514 SF is full-sun outdoor cultivation and 8,808 SF is mixed-light cultivation in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas that total 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. However, two (2) of these tanks (3,000 and 5,000 gallons) are utilized solely for domestic use, one (1) 3,000-gallon tank is used for fire reserve water, and six (6) tanks (totaling 5,310 gallons) are utilized for nutrient mixing.. Estimated annual water usage is 531,500 gallons (37.1 gal/SF). Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

The project site contains riparian habitat associated with Mule Creek, a Class I tributary to Butte Creek, which traverses the southern portion of the site, and a small portion of an additional stream within the northeastern most portion of the site. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 15%. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.6 miles southeast of the cultivation area, with the nearest NSO nest/roost habitat located approximately 120 feet away, as noted in the Biological Assessment. Artificial lighting is used to support the mixed-light greenhouses and propagation area, with power provided by a generator; therefore, conditions of approval require the applicant use noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

A Cultural Resources Investigation was prepared in April 2020 by William Rich, M.A., RPA of William Rich and Associates (WRA), in which no artifacts, features, deposits or any other cultural resources which would be considered an historical resource for the purposes of CEQA (15064.5 (a)) were identified during the field survey. The Report suggests that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of the project; however, guidance is provided in the Report in the instance archaeological materials are unearthed during project activities. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and

ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 14,322 square feet of cultivation with ancillary drying activities and propagation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Plot Plans prepared by A.M. Baird, dated 10/17/18 and 3/25/21.
- Cultivation and Operations Plan prepared by Rain & Zepp, dated 3/26/18, with subsequent addendums prepared 10/22/18 and 11/25/20, respectively.
- Well Completion Report for Permit No. 16/17-0244 (Permit Date 9/22/2016) with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 4/13/16.
- Engineer's Road Evaluation Report for China Mine Road prepared by A.M. Baird Engineering & Surveying Inc., dated 8/7/18.
- Biological Assessment for Humboldt County Permit Application #11844 prepared by Timberland Resource Consultants, dated 11/5/18.

- Cultural Resources Investigation for Commercial Medical Cannabis Cultivation for Humboldt Herb Star Farms, APN 210-071-007, Humboldt County California prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated April 2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by A.M. Baird, dated 10/17/18 and 3/25/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rain & Zepp, dated 3/26/18 and received 3/28/18, with subsequent addendums prepared 10/22/18 and 11/25/20, respectively – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable – Irrigation for the operation utilizes a permitted groundwater well (item 10. below).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resources Protection Plan prepared for the North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 8. below))
7. Confirmation of enrollment (WDID number: 1B1657CHUM) and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Copy of enrollment, and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants – **Attached**. Notice of Applicability (WDID 1\_12CC419298): Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2018-0651-R1 executed 5/20/19 – **Attached**)

9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 16/17-0244, dated 9/22/16 - **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Condition of Approval)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for Commercial Medical Cannabis Cultivation for Humboldt Herb Star Farms, APN 210-071-007, Humboldt County California prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated April 2020 (On file and confidential).
16. Engineer's Road Evaluation Report for China Mine Road prepared by A.M. Baird Engineering & Surveying Inc., dated 8/7/18. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Biological Assessment for Humboldt County Permit Application #11844 prepared by Timberland Resource Consultants, dated 11/5/18. (**Attached**)



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	On file with Planning (Accela)
Public Works, Land Use Division	✓	Approval	On file with Planning (Accela)
CAL FIRE	✓	Approval	Attached
Bridgeville Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	Attached – staff email requesting comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria		Conditional approval	On file and confidential
Bridgeville Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit	Max Hilken

**Project Description:** A Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

**Project Location:** The project is located in the Larabee Valley area, on the south side of State Highway 36, approximately 1.36 miles southwest from the intersection of China Mine Road and State Highway 36, on the property known as 1771 China Mine Road, Bridgeville.

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-11844-CUP

**Assessor's Parcel Number:** 210-071-007

**Applicant**

DSCD Holdings, LLC  
1771 China Mine Road  
Bridgeville, CA 95526

**Owner**

Dennis Wheeler  
1771 China Mine Road  
Bridgeville, CA 95526

**Agents**

Rain & Zepp, PLC  
C/O Nate Madsen  
517 Third Street  
Eureka, CA 95501

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** None.

**Recommended Commission Action:**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the DSCD Holdings, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** DSCD Holdings, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 14,322 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place in two (2) separate areas: Cultivation Area 1 (western area) contains 5,514 SF of full-sun outdoor cultivation and Cultivation Area 2 (eastern area) contains 8,808 SF of mixed-light cultivation within six (6) greenhouses utilizing supplemental lighting. Ancillary propagation occurs in six (6) distinct areas that total 2,670 SF. Up to five (5) harvests for the mixed-light greenhouses are anticipated annually.

Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop structure constructed in 2010 for processing and an 834 SF drying facility constructed in 2017. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to eight (8) employees may be utilized during peak operations. Power is provided by a 25Kw Multiquip portable generator. The operation is secured behind a gated road and an electronic surveillance system is planned for installation.

**Nursery Space**

The operation's immature plant areas are used in the spring and summer for start development and then those same areas are used for storage and some packaging tasks from time to time in the fall and/or winter. As noted above, ancillary propagation associated with the operation occurs in six (6) distinct areas that total 2,670 SF. This equates to approximately 18.6% of the total cultivation area. However, a nursery space of 10% of the cultivation area is what planning division staff and the Planning Commission have found allowable in the past, which would be equivalent to a nursery space of 1,432 SF.

The applicant's agent provided justification as to why the current nursery space is needed for the operation on December 22, 2019 (Attachment 3). Per the provided justification, the applicant maintains mother plants as a source of cuttings in the ancillary propagation area and maintaining mother plants requires more space. It is further noted that a crowded mother and/or cuttings area leads to more pest development. By devoting additional space to the propagation area, it is noted that the applicant is able to minimize pest issues and avoid the need for harsh pest treatments. It is further noted that 25% nursery space was historically accepted by the County for ancillary propagation areas and the applicant developed their propagation area plan with this understanding at the time.

As the current nursery space (2,670 SF) is considerably larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County, a recommended condition of approval has been included to require the applicant to reduce the amount of nursery space onsite and revise both the Site Plan and Operations Plan to reflect a maximum of 10% of nursery space, or 1,432 SF.

## Water Resources

Estimated annual water usage is 531,500 gallons (37.1 gal/SF) with peak demand occurring in August at approximately 96,000 gallons, as shown in the table below. Hand and drip irrigation are utilized in order to reduce waste and eliminate runoff.

Estimated Well Water Usage Associated with the Existing Cultivation											
Gallons per Month											
Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
6,200	5,600	6,200	43,200	64,500	82,500	87,000	96,000	87,000	46,500	6,000	6,200
Total Estimated Annual Water Usage (gallons)											531,500

Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. However, two (2) of these tanks (3,000 and 5,000 gallons) are utilized solely for domestic use, one (1) 3,000-gallon tank is used for fire reserve water, and six (6) tanks (totaling 5,310 gallons) are utilized for nutrient mixing.

Water for irrigation is provided by a permitted onsite well (16/17-0244). The onsite well is also registered with the California Department of Water Resources (WCR2018-000568). As shown on the site plans, the well is located just north of Greenhouse A in the eastern portion of the site, approximately 140 feet west of the nearest Streamside Management Area and at approximately the same elevation. According to the Well Completion Report (Attachment 3), the well is 180 feet deep and drilled through sandstone and sandstone with shale. A blank is installed for the first 80 feet of the well, with screening between 80 to 140 feet below the surface, an additional blank between 140 and 160 feet below the surface, and additional screening from 160 to 180 feet below surface. Based on the distance from the nearest watercourse and the use of a blank for casing of the first 80 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs.

The existing point of diversion, as shown on the site plan and described in the Revised Cultivation Operation Plan (Attachment 3), is primarily utilized for domestic use. However, water for onsite employees is sourced from the registered point of diversion and is delivered through the existing onsite domestic water system. Water is gravity fed from the spring to the 2,500-gallon storage tank, where it is pumped directly to the residence. Per the applicant, the spring does not flow off the property. A Final Streambed Alteration Agreement (SAA Notification No. 1600-2018-0651-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was issued in May 2019 for two encroachments, which include use of an existing steel flat bridge crossing on Mule Creek (a Class I stream) and for water diversion from an unnamed tributary to Mule Creek for domestic use. The Agreement limits the maximum instantaneous diversion rate to five (5) gallons per minute and limits diversion to a maximum of 200 gallons per day during the low flow season from May 15 to November 15 of each year.

Mule Creek, described as an intermittent fish bearing (Class I) tributary to Butte Creek in the project's Biological Assessment, prepared by Timberland Resource Consultants in November 2018, bisects the southern portion of the site, south of China Mine Road. A 100-foot Streamside Management Area (SMA) buffer with an approximately 70-foot-wide riparian setback are shown on the Site Plan. Additionally, a very small portion of an additional 50-foot SMA buffer is denoted within the northeastern most portion of the property, with an approximately 70-foot-wide riparian buffer area also shown. Both cultivation areas and structures are outside of the SMA and riparian area buffers, except for a portion of China Mine Road, which is partially located within the riparian area buffer along Mule Creek, as well as the existing point of diversion and associated 2,500-gallon water tank, which are located within the SMA buffer area. As

described in the Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants in April 2016 (Attachment 3), the operation provides sufficient riparian and wetland protection and management, with cultivation located more than 250 feet from Mule Creek and riparian buffers onsite remain undisturbed, are maintained at natural slope with native vegetation, exceed the minimum required width, and are fully functional.

### **Biological Resources**

The project is partially mapped within potential habitat of one sensitive species, Pacific gilia, an annual herb. The nearest NSO sighting is located approximately 0.6 miles southeast of the cultivation area. As noted above, a Biological Assessment was prepared by Timberland Resource Consultants in November 2018. As provided in the Biological Assessment, there are no biological resources mapped within the biological assessment area and the project will not result in loss of any sensitive natural community. Provided the applicant follows the conditions, recommendations, and Best Management Practices included in the WRPP and Agreement with CDFW, the project biologist notes the project will not present a significant risk to water quality and aquatic habitats. It is noted in the Biological Assessment that the nearest NSO nest/roost habitat is located approximately 120 feet away and the road network on the property passes through potential NSO breeding habitat. However, significant noise impacts are not anticipated, as the specifications for the generator utilized onsite note the generator produces 63dB at a distance of 23 feet which would equate to approximately 51dB at 100 feet and the applicant is building a structure around the generator to further reduce impacts. Staff finds the generator meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer. Additionally, while road maintenance involving heavy equipment may result in noise levels over 70dB, significant impacts may be reduced by performing such maintenance outside of the critical bird nesting season (February 1<sup>st</sup> through July 8<sup>th</sup>).

Several recommendations are included in the Biological Assessment in order to reduce potential impacts on sensitive biological resources, including performing floristic surveys if any additional ground disturbance is proposed, covering mixed-light greenhouses from sunset to sunrise so no light escapes the structures, and utilizing heavy equipment outside of the critical bird nesting season or performing NSO surveys before operations occur. An ongoing condition of approval is included to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Additionally, the project is conditioned adhere to the avoidance and minimization measures required under the issued Final LSAA#1600-2018-0651-R1, as well as the measures identified in the Remediation Plan, not dated and date stamped received by the County in October 2018, for the areas deemed as expansion of operation by the County, based on the Cultivation Area Verification (CAV) dated March 2018 (shown along the western property boundary on the Site Plan). Such measures include maintaining the area as a fire safe area with grass and brush cut to less than six (6) inches during dry seasons, quarterly monitoring of the remediation area, and reseeding as necessary and seasonally appropriate. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

The cultivation of cannabis as proposed under this permit will not result in the net conversion of timberland. The location of existing cultivation has occurred in a previously developed footprint that was developed for a residence and light agriculture use before 2005. A review of aerial imagery on the Humboldt County WebGIS shows that additional timber conversion occurred between 2016 – 2018 on either end of the previously cleared area, especially in the western area of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance

with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016.

### **Access**

Access to the site is via a driveway off of China Mine Road via State Highway 26. In a referral response from the County Public Works Department in January 2019 (Attachment 4), the project has no direct effect on any facilities maintained by the County. Both China Mine Road, a private road, and State Highway 36 are not County-maintained roads. A Road Evaluation report for a 1.2-mile segment of China Mine Road was prepared by A.M. Baird Engineers (Attachment 3) in August 2018, which indicates the entire road segment is developed to category 4 equivalent standard and the roadway can accommodate the cumulative increased traffic from the project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-**

**Record Number: PLN-11844-CUP**

**Assessor's Parcel Number: 210-071-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the DSCD Holdings, LLC, Conditional Use Permit request.**

**WHEREAS, DSCD Holdings, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:**                      **Project Description:** The application is a Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

**EVIDENCE:**                      a) Project File: PLN-11844-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration



(MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resources Protection Plan was prepared by Timberland Resource Consultants in April 2016 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. Conditions of approval require the applicant to adhere to and implement the recommendations of the WRPP. Conditions of approval also require the applicant to demonstrate and maintain enrollment in the State Water Resources Control Board's Cannabis Cultivation Policy program.
- d) A Biological Assessment Report was prepared by Timberland Resource Consultants in November 2018. The Assessment methods included, but was not limited to, a search of the California Natural Diversity Database (CNDDB) California Native Plant Society (CNPS) database. A habitat assessment was conducted in the project area. The cultivation areas are not located within wetland or riparian areas. No biological resources are mapped in the project location. The nearest Northern Spotted Owl nest/roost habitat is located approximately 120 feet away from the onsite generator and the property's road network passes through potential NSO breeding habitat. Several recommendations are provided in the Biological Assessment and included as Conditions of Approval in order to reduce potential impacts, including performing floristic surveys if any additional ground disturbance is proposed, covering mixed-light greenhouses to prevent light spillage from the structures, and not utilizing heavy equipment between February 1<sup>st</sup> through July 8<sup>th</sup>, or performing NSO surveys before operations occur during this time period. An additional Condition of Approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. Conditions of approval require the applicant to adhere to and implement the recommendations contained within the Biological Assessment Report.
- e) A Cultural Resources Investigation Report was carried out by William Rich and Associates in April 2020 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for China Mine Road by A.M. Baird Engineering & Surveying in August 2018 which identified that the entire road segment is developed to category 4 equivalent standard and is suitable for safe access to and from the project site.

**FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING**

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE**

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an

agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**4. FINDING**

The proposed development is consistent with the purposes of the existing zone in which the site is located.

**EVIDENCE**

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture and residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 5,514 SF full-sun outdoor and 8,808 SF of mixed-light cultivation on an approximately 32.5-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded March 10, 1967, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by a permitted well (16/17-0244) (Attachment 3). The well is located just north of Greenhouse A in the eastern portion of the site, approximately 140 feet west of the nearest Streamside Management Area and at approximately the same elevation. According to the Well Completion Report, the well is 180 feet deep and drilled through sandstone and sandstone with shale. A blank is installed for the first 80 feet of the well, with screening between 80 to 140 feet below the surface, an additional blank between 140 and 160 feet below the surface, and additional screening from 160 to 180 feet below surface. Based on the distance from the nearest watercourse and the use of a blank for casing of the first 80 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well annually to demonstrate there is sufficient water available to meet operational needs. Additionally, water for onsite employees is sourced from the registered point of diversion and is delivered through the existing onsite domestic water system.
- d) A Road Evaluation Report was completed by A.M. Baird in August 2018. The

Evaluation addressed the 1.2-mile segment of China Mine Road, a private road, to State Highway 36, which is a S-maintained road. China Mine Road was found to be developed to the equivalent of a road category 4 standard and functionally appropriate for the expected traffic.

- e) The slope of the land where cannabis will be cultivated is less than 5% as described by the WRPP prepared by Timberland Resource Consultants dated April 13, 2016.
- f) The cultivation of cannabis as proposed under this permit will not result in the net conversion of timberland. The location of existing cultivation has occurred in a previously developed footprint that was developed for a residence and light agriculture use before 2005. A review of aerial imagery on the Humboldt County WebGIS shows that additional timber conversion occurred between 2016 – 2018 on either end of the previously cleared area, especially in the western area of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 14,322 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

## EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is near or over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well (Permit No. 16/17-0244, dated 9/22/2016) that has been permitted by the Environmental Health Department and is also registered with the California Department of Water Resources (WCR2018-000568).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for DSCD Holdings, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on May 6, 2021.

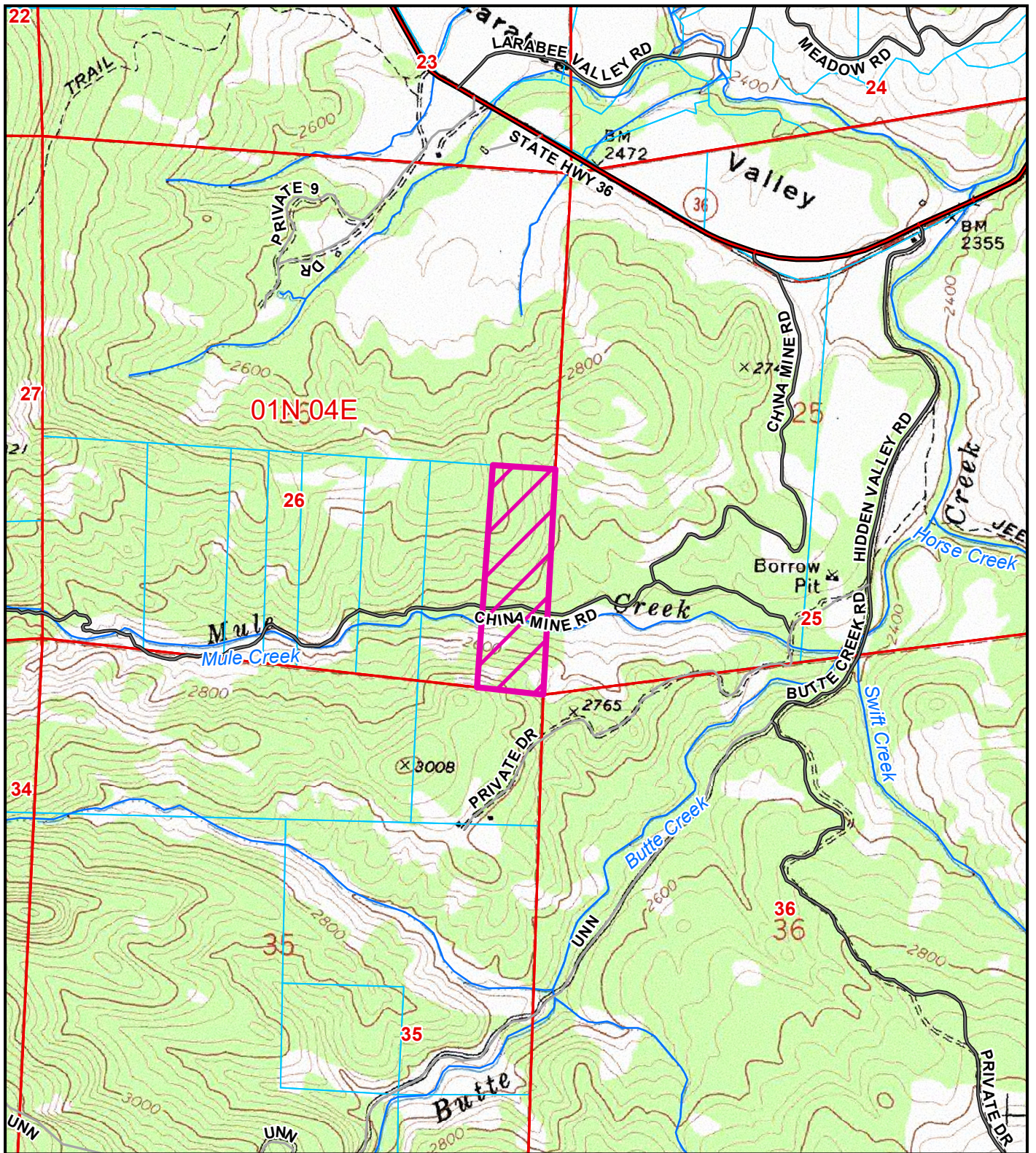
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department



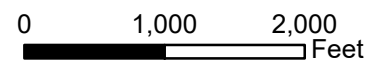


Project Area = 

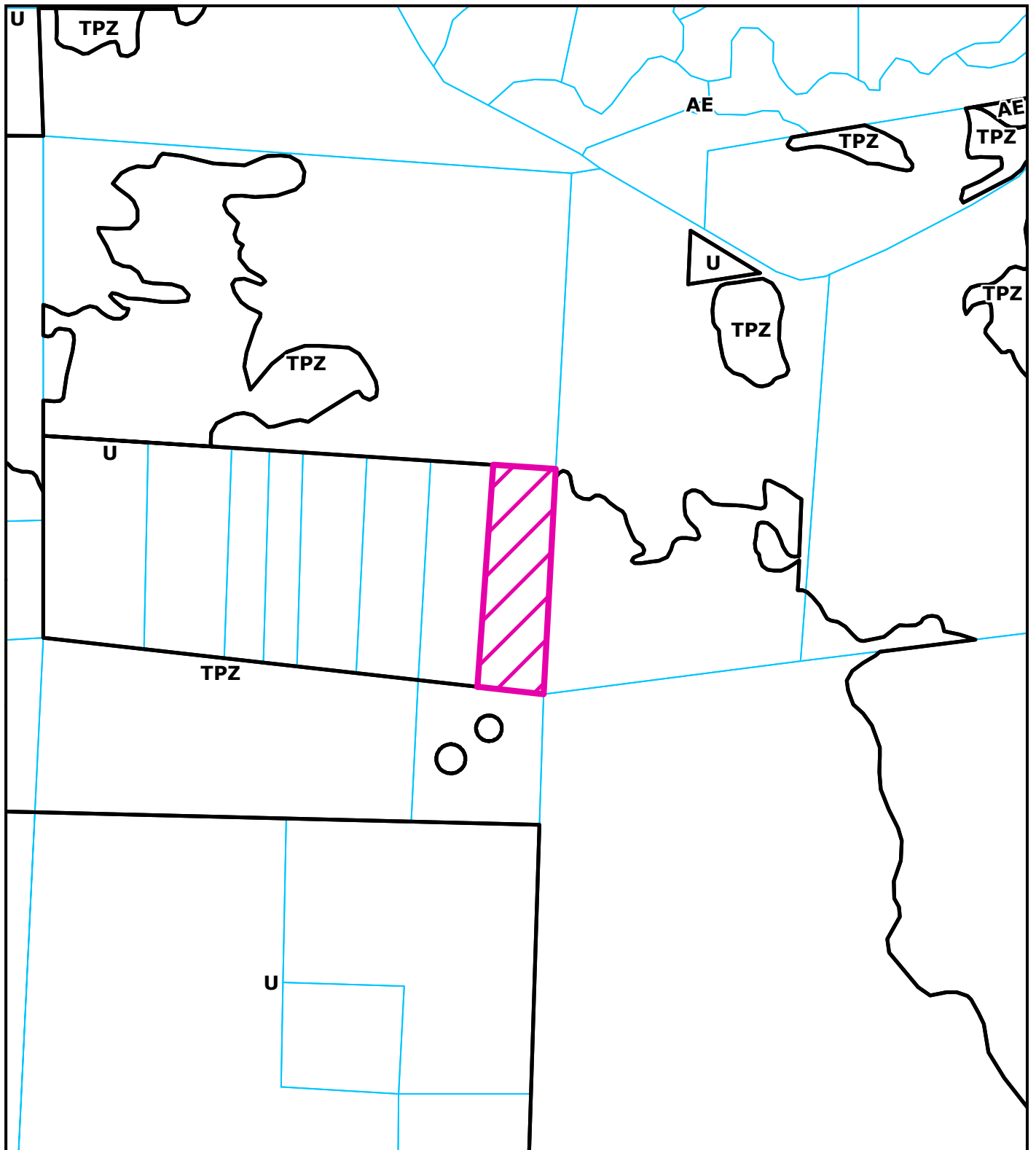
**TOPO MAP**  
**PROPOSED DSCD HOLDINGS GROUP, LLC**  
**BRIDGEVILLE AREA**  
**CUP-16-407**  
**APN: 210-071-007-000**  
**T01N R04E S26 HB&M (LARABEE VALLEY)**



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



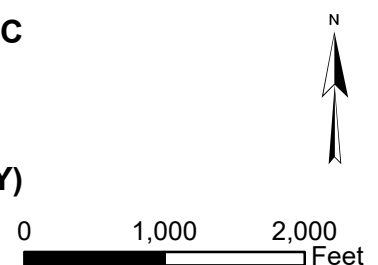




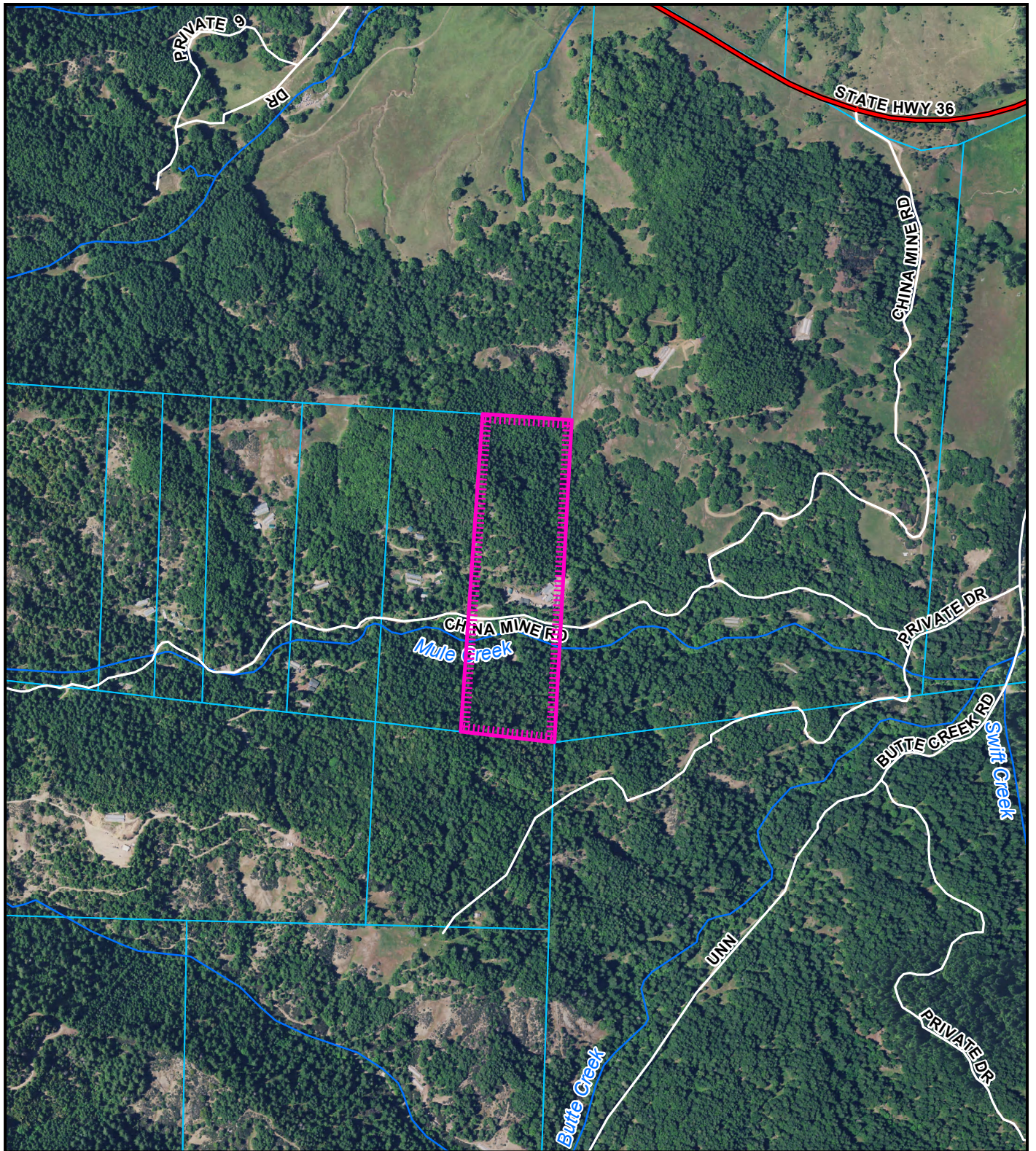
Project Area = 

**ZONING MAP  
PROPOSED DSCD HOLDINGS GROUP, LLC  
BRIDGEVILLE AREA  
CUP-16-407  
APN: 210-071-007-000  
T01N R04E S26 HB&M (LARABEE VALLEY)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.







Project Area = 

**AERIAL MAP**  
**PROPOSED DSCD HOLDINGS GROUP, LLC**  
**BRIDGEVILLE AREA**  
**CUP-16-407**  
**APN: 210-071-007-000**  
**T01N R04E S26 HB&M (LARABEE VALLEY)**



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 1,000 2,000 Feet



DISCLAIMER:  
MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.  
  
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USEFUL TO ASSURE THAT THE STRUCTURES ARE LOCATED APPROPRIATE TO THEIR SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION SHOWN IS IMPLIED TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL LAND SURVEY.  
  
A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED

- LEGEND
- 30' SETBACK
  - PROPERTY LINE
  - EASEMENT
  - STRUCTURES
  - MAJOR CONTOURS
  - CMMLUO AREAS
  - SMA AREAS
  - APPROXIMATE REMEDIATION AREA
  - APPROXIMATE RIPARIAN SETBACKS +20'
  - 300' SETBACK
  - 600' SETBACK

LEGAL  
ADDRESS: 1771 CHINA MINE ROAD  
BRIDGEVILLE, CA 95526  
ASSESSOR'S PARCEL NUMBER: 210-071-007  
OWNER: DENNIS WHEELER  
1771 CHINA MINE ROAD  
BRIDGEVILLE, CA 95526  
PHONE: (707) 502-6337  
SETBACK: 30' PERIMETER  
  
LOT SIZE: ±32.4 ACRES

DIRECTIONS:  
EXIT US-HWY 101 (685) TO CA-HWY 36  
HEAD EAST ON CA-HWY 36  
TURN RIGHT ONTO CHINA MINE RD.  
CONTINUE ONTO MULE CREEK RD.  
RESIDENCE IS ON THE RIGHT  
  
DESCRIPTION:  
SPECIAL PERMIT FOR:  
\* ±5,514 SQ-FT OF EXISTING  
OUTDOOR CANNABIS CULTIVATION  
\* ±8,808 SQ-FT OF EXISTING  
MIXED LIGHT CANNABIS  
CULTIVATION

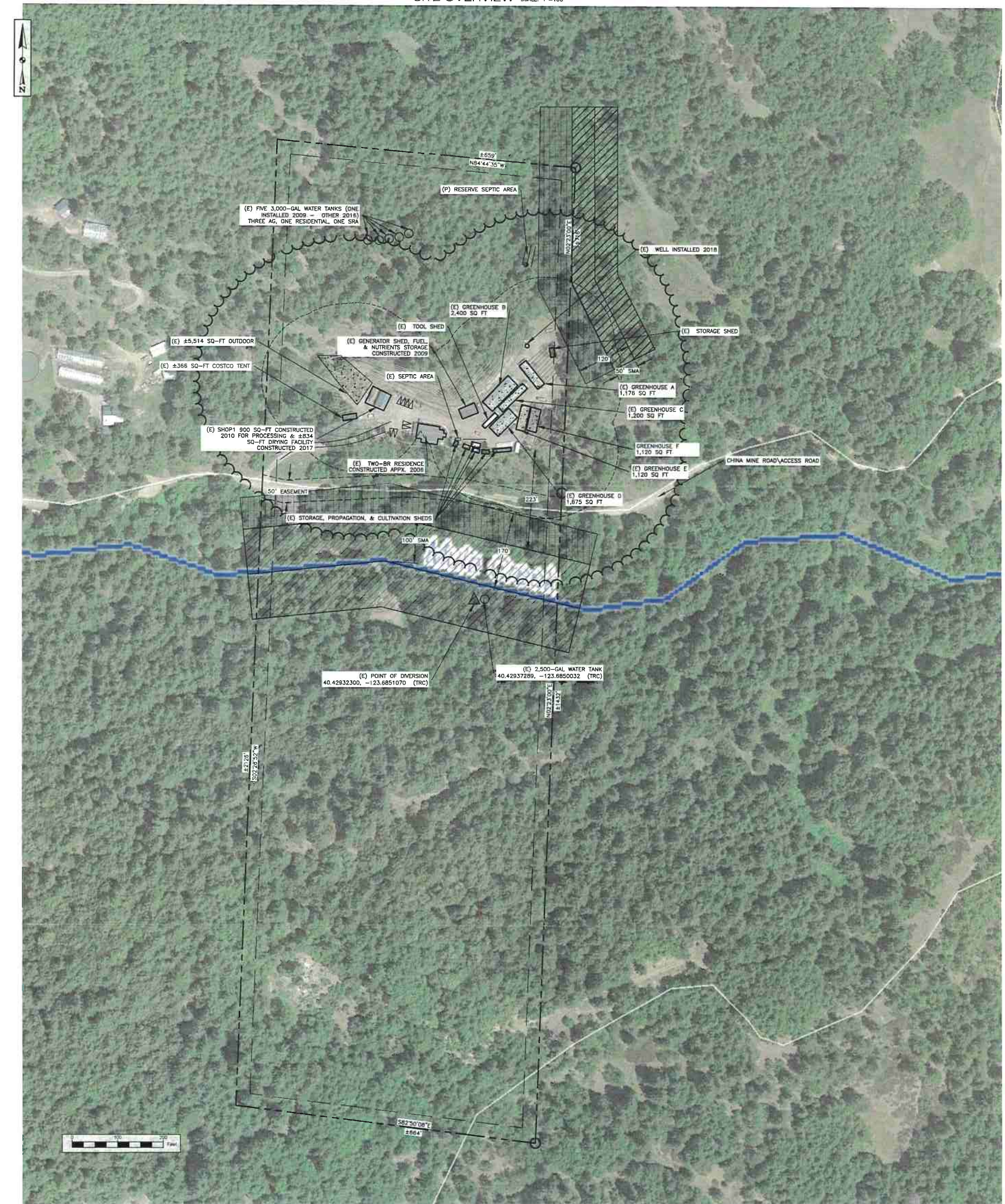
EXISTING MIXED LIGHT CULTIVATION AREA:  
GREENHOUSE A - ±1,176 SQ-FT 0-5% AVG. SLOPE  
GREENHOUSE B - ±2,400 SQ-FT 0-5% AVG. SLOPE  
GREENHOUSE C - ±1,200 SQ-FT 0-5% AVG. SLOPE  
GREENHOUSE D - ±1,792 SQ-FT 0-5% AVG. SLOPE  
GREENHOUSE E - ±1,120 SQ-FT 0-5% AVG. SLOPE  
GREENHOUSE F - ±1,120 SQ-FT 0-5% AVG. SLOPE  
TOTAL ±8,808 SQ-FT  
  
EXISTING OUTDOOR CULTIVATION AREA:  
OUTDOOR AREA - ± 5,514 SQ-FT 0-5% AVG. SLOPE  
TOTAL: ±5,514 SQ-FT



- NOTES
1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER.
  2. EXISTING WATER STORAGE ON SITE IS A ±18,000-GAL (3,000-GAL TANK FOR SRA).
  3. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 15%.
  4. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY, AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PLACED TO MITIGATE ANY SEASONAL RUN OFF.
  5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 600' OR OFF-SITE RESIDENCES W/IN 300'
  6. THERE ARE NO KNOWN PRIME AG SOILS IN THE VICINITY (VIA HUMBOLDT WEB-GIS)
  7. ONE EASEMENT FOR MULE CREEK RD. SHOWN ON MAP
  8. IMAGE DATE: 9/28/2014
  9. THERE ARE NO KNOWN HISTORICAL BUILDINGS, ARCHAEOLOGICAL, OR PALEONTOLOGICAL RESOURCES
  10. DRIVEWAY TO BE MINIMUM 10' WIDE, NO GREATER THAN 16% GRADE, AND INCLUDE A TURNOUT NEAR THE HALF-WAY POINT
  11. IF ANY PROPOSED DEVELOPMENT IS WITH IN 30' OF RIPARIAN SETBACK SHOWN, AN ACTUAL BOUNDARY OF HIGH WATER/RIPARIAN MUST BE ESTABLISHED BY A QUALIFIED PROFESSIONAL.
  12. REMEDIATION AREAS DID NOT APPEAR TO HAVE BEEN GRADED.



SITE OVERVIEW SCALE: 1"=100'



SHEET NO. 1 OF 1	JOB NO. 16-4621	DSCD HOLDINGS, LLC 1771 CHINA MINE RD BRIDGEVILLE, CA 95526 APN: 210-071-007 MEDICAL CANNABIS MAP SITE PLAN	SCALE: AS SHOWN DRAWN BY: RJS DATE: 10/17/2016		A.M. Baird Engineering & Surveying 1257 Main St., P.O. Box 396, Fortuna, CA 95540 (707) 725-5182	REVISIONS		
						NO.	DATE	DESCRIPTION
						5		
						4		
						3		
						2		
						1		



A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES  
NO RESPONSIBILITY ARISING FROM THE USE OF  
INFORMATION PROVIDED

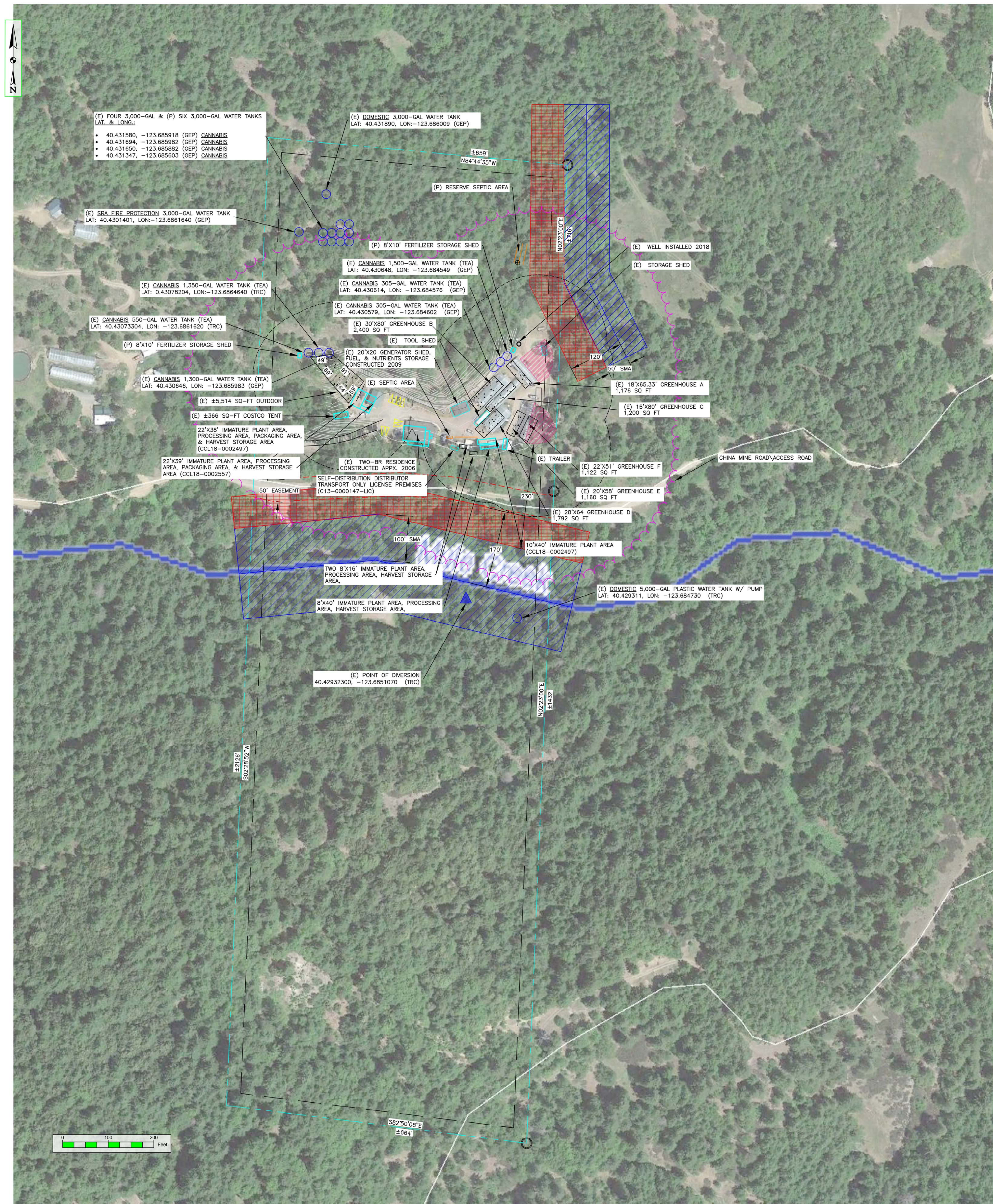
SETBACK: 30' PERIMETER

- ±8,850 SQ-FT OF EXISTING MIXED LIGHT CANNABIS CULTIVATION

OUTDOOR AREA - ± 5,514 SQ-FT 0-5% AVG. SLOPE  
TOTAL: ±5,514 SQ-FT

1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER.
2. EXISTING WATER STORAGE ON SITE IS A 28,310-GAL 13 TANKS TOTAL (ONE 3,000-GAL TANK FOR SRA).
3. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 15%.
4. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY. AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PACED TO MITIGATE ANY SEASONAL RUN OFF.
5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 600' OR OFF-SITE RESIDENCES W/IN 300'
6. THERE ARE NO KNOWN PRIME AG SOILS IN THE VICINITY (VIA HUMBOLDT WEB-GIS)
7. ONE EASEMENT FOR MULE CREEK RD. SHOWN ON MAP
8. IMAGE DATE: 5/28/2014
9. THERE ARE NO KNOWN HISTORICAL BUILDINGS, ARCHAEOLOGICAL, OR PALEONTOLOGICAL RESOURCES
10. DRIVEWAY TO BE MINIMUM 10' WIDE, NO GREATER THAN 16% GRADE, AND INCLUDE A TURNOUT NEAR THE HALF-WAY POINT
11. IF ANY PROPOSED DEVELOPMENT IS WITH IN 30' OF RIPARIAN SETBACK SHOWN, AN ACTUAL BOUNDARY OF HIGH WATER/RIPARIAN MUST BE ESTABLISHED BY A QUALIFIED PROFESSIONAL.
12. REMEDIATION AREAS DID NOT APPEAR TO HAVE BEEN GRADED.

SITE OVERVIEW SCALE: 1"=100'



SHEET NO. 7 OF 1

JOB NO. 16-4621

DSCD HOLDINGS, LLC  
1771 CHINA MINE RD  
BRIDGEVILLE, CA 95526  
APN: 210-071-007

COUNTY CANNABIS MAP

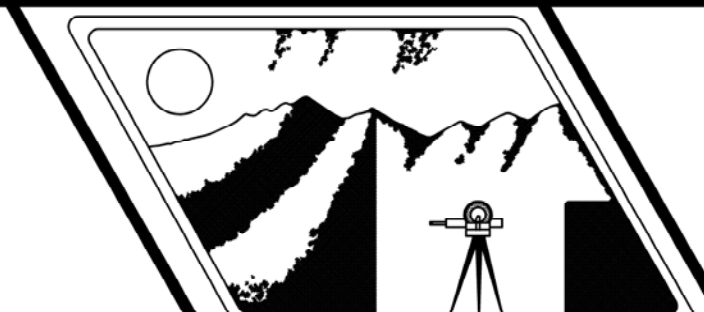
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*SITE PLAN*

DATE	11/27/201

DRAWN BY	PDS
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1000



*A.M. Baird*  
Engineering & Surveying

1257 Main St., P.O.Box 396, Fortuna, CA 95540  
(707)725-5182

5			
4			
3			
2			
1	3/25/2021	UPDATES PER AGENCIES	PDS
NO.	DATE	DESCRIPTION	BY



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
  - a. Exact use and dimensions of each structure onsite.
  - b. Perimeter dimensions of each outdoor cultivation area.
  - c. Location, storage capacity, and use of all hard storage tanks described in the updated Operations Plan dated November 25, 2020. A total of 17 hard storage tanks are noted, but only six (6) are currently shown on the site plan. The location of which, shall remain outside of existing Streamside Management Areas per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance.
  - d. Revise the square footage of the ancillary propagation areas to be a maximum of 1,432 square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The applicant shall demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation prior to processing on-site. This can be accomplished by either installing a new permitted septic system or by provided the Division of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the State Water Resources Control Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized during the construction of these improvements for cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall implement all corrective actions detailed in the Remediation Plan developed for the parcel, not dated, but received by the County on October 25, 2018. Photo documentation demonstrating the cannabis cultivation has been removed from the expansion area and grass cover has been reestablished shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall continue to implement the measures and recommendations described in the Water Resources Protection Plan (including but not limited to implementing additional water conservation measures), prepared by Timberland Resource Consultations in April 2016, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023. A letter or similar communication from the NCRWQCB Regional Water Board verifying that all their requirements have been met will satisfy this condition.
11. The applicant is required to show proof of enrollment in the State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and implement any additional measures and recommendations described within a Site Management Plan prepared by a Qualified Professional as required under the Cannabis General Order WQ2019-0001-DWQ. A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall adhere to all requirements specified in the Streambed Alteration Agreement entered into between the California Department of Fish and Wildlife (CDFW) and applicant (Permittee) on May 20, 2019 (Notification No. 1600-2018-0651-R1) pertaining to the use of an existing steel flat bridge crossing on Mule Creek (a Class I stream) and for water diversion from an unnamed tributary to Mule Creek for domestic use. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
13. The applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) to ensure all conversion areas were developed in accordance with the Forest Practice Rules. The report will also identify the area of conversion that occurred after January 1, 2016. The applicant is required to restock timber at a ratio of 3:1 for all area converted after January 1, 2016. The report shall contain monitoring and reporting requirements that requires a minimum of three years of monitoring with an 85% success rate. The report shall be submitted

annually at the time of the annual inspection and continue until the monitoring and reporting requirements are met. A sign-off from the Planning Department shall satisfy this condition.

14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
15. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
16. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
18. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
19. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

#### **B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying

CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. The applicant shall abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) on November 5, 2018, which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; covering mixed-light greenhouses from sunset to sunrise to ensure no light escapes the structures; and, avoid heavy equipment operations during NSO critical period (February 1 – July 8) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen

to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to



assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 32 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**I**

**APN 210-071-007; 1771 China Mine Road, Bridgeville  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**April 2021**

## Background

**Modified Project Description and Project History** – The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (CUP-16-407) for existing 14,322 square foot (SF) cannabis cultivation operation of which 5,514 SF is full-sun outdoor cultivation and 8,808 SF is mixed-light cultivation in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas that total 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. However, two (2) of these tanks (3,000 and 5,000 gallons) are utilized solely for domestic use, one (1) 3,000-gallon tank is used for fire reserve water, and six (6) tanks (totaling 5,310 gallons) are utilized for nutrient mixing.. Estimated annual water usage is 531,500 gallons (37.1 gal/SF). Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

The project site contains riparian habitat associated with Mule Creek, a Class I tributary to Butte Creek, which traverses the southern portion of the site, and a small portion of an additional stream within the northeastern most portion of the site. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 15%. The nearest Northern Spotted Owl (NSO) sighting is located approximately 0.6 miles southeast of the cultivation area, with the nearest NSO nest/roost habitat located approximately 120 feet away, as noted in the Biological Assessment. Artificial lighting is used to support the mixed-light greenhouses and propagation area, with power provided by a generator; therefore, conditions of approval require the applicant use noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

A Cultural Resources Investigation was prepared in April 2020 by William Rich, M.A., RPA of William Rich and Associates (WRA), in which no artifacts, features, deposits or any other cultural resources which would be considered an historical resource for the purposes of CEQA (15064.5 (a)) were identified during the field survey. The Report suggests that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of the project; however, guidance is provided in the Report in the instance archaeological materials are unearthed during project activities. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and

ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 14,322 square feet of cultivation with ancillary drying activities and propagation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Plot Plans prepared by A.M. Baird, dated 10/17/18 and 3/25/21.
- Cultivation and Operations Plan prepared by Rain & Zepp, dated 3/26/18, with subsequent addendums prepared 10/22/18 and 11/25/20, respectively.
- Well Completion Report for Permit No. 16/17-0244 (Permit Date 9/22/2016) with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated 4/13/16.
- Engineer's Road Evaluation Report for China Mine Road prepared by A.M. Baird Engineering & Surveying Inc., dated 8/7/18.
- Biological Assessment for Humboldt County Permit Application #11844 prepared by Timberland Resource Consultants, dated 11/5/18.

- Cultural Resources Investigation for Commercial Medical Cannabis Cultivation for Humboldt Herb Star Farms, APN 210-071-007, Humboldt County California prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated April 2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by A.M. Baird, dated 10/17/18 and 3/25/21 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Rain & Zepp, dated 3/26/18 and received 3/28/18, with subsequent addendums prepared 10/22/18 and 11/25/20, respectively – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable – Irrigation for the operation utilizes a permitted groundwater well (item 10. below).
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resources Protection Plan prepared for the North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 8. below))
7. Confirmation of enrollment (WDID number: 1B1657CHUM) and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Copy of enrollment, and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants – **Attached**. Notice of Applicability (WDID 1\_12CC419298): Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2018-0651-R1 executed 5/20/19 – **Attached**)

9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 16/17-0244, dated 9/22/16 - **Attached**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Condition of Approval)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for Commercial Medical Cannabis Cultivation for Humboldt Herb Star Farms, APN 210-071-007, Humboldt County California prepared by William Rich, M.A., RPA, William Rich and Associates, Bayside, CA, dated April 2020 (On file and confidential).
16. Engineer's Road Evaluation Report for China Mine Road prepared by A.M. Baird Engineering & Surveying Inc., dated 8/7/18. (**Attached**)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. Biological Assessment for Humboldt County Permit Application #11844 prepared by Timberland Resource Consultants, dated 11/5/18. (**Attached**)

**Description of Water Source, Storage, Irrigation Plan, and Project Water Usage**

Water supply is currently diversion of groundwater from a well, approximately 310 ft from the creek and 180 ft above it in elevation. It emits a constant flow of over 12 gal per minute. Owner stores water in hard vinyl tanks, 3 X 3,000 gal above the yard.

Owner utilizes a spring for domestic use only. There is a 2,500 gal hard storage tank for domestic use only. Water is pumped directly from the tank to the residence.

**Description of Site Drainage**

Site is located on land with minimal slope (< 5%) and not hydrologically connected with any surface waters. The nearest surface water, Mule Creek, is over 250 feet from the cultivation area; all riparian buffers are undisturbed and maintained at natural slope with native vegetation. Owner carefully monitors watering to avoid runoff; fertilizers and chemicals are applied according to label specifications to minimize concentrations of chemicals. Owner utilizes straw on the slopes for erosion control. Cultivation sites are well maintained.

**Detail of Measures taken to Ensure Protection of the Watershed and Nearby Habitat**

Owner is careful not to overwater; leakage from cultivation is minimal. Sites are well maintained; owner uses a combination of agronomic irrigation and a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads in the cultivation medium. Owner utilizes straw on the slopes for erosion control. Owner is preparing to install culverts when whether permits. Owner carefully stores all chemicals, minimizes chemical use and uses organic pesticides only. Used soils are kept contained until they can be amended and reclaimed for the next season's planting.

**Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products**

Fertilizers, amendments and pesticides are all stored on pallets in Costco tents against the weather. They are applied according to label specifications, with a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads. Watering is carefully monitored to prevent runoff. Cultivation sites are well maintained, with no improperly stored nutrients or fertilizers on site.

The generator shed is on a concrete slab. Owner has a 1,000 gal and a 550 gal gas tank. Both tanks are in secondary containment which holds the capacity of the tanks.

**Description of Cultivation Activities**

Proposed cultivation would be approximately 8,806 square feet of Mixed Light Cultivation, no more than 5 cycles per year, and 8,479 square feet of existing Outdoor Cultivation. Owner proposes to move any cultivation within the 30-foot property line setback to the area marked "relocation area" on the site plan, which is North of the terraced area.

Greenhouses shall be shielded such that little to no light escapes. Light from greenhouses shall not be visible from neighboring properties between sunset and sunrise. Generator noise will not be audible from nearby residences, and no more than 60 decibels at the property line.

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**Processing Plan**

All drying and processing will be done on site by the members of Humboldt Herbststar Farms, Inc. After harvest, plants are cut down and hung up in the temperature and humidity controlled barn to dry and cure, 1 – 4 weeks. After the harvested plants are properly cured, they are machine trimmed into turkey bags for distribution. Any leftover plant material is composted and reclaimed or burned.

**Number of Mixed Light Cultivation Cycles Proposed**

Proposed mixed light cultivation would have no more than 5 cycles per growing season.

**Schedule of Activities During the Season**

Humboldt Herbststar Farms, Inc. is committed to constant improvement of its growing and processing techniques. All operations are constantly refined to make them more efficient, cleaner, tidier, better – for Humboldt Herbststar Farms, Inc., for the environment and for the patients who will ultimately consume the product. Humboldt Herbststar Farms, Inc. works year-round in the mother house, trying out new strains from seed and cutting clones. They are constantly planting, rooting, potting and caring for young plants. The work becomes more intensive and time consuming in the weeks leading up to planting in the ground, usually in May.

For each mixed light cycle, plants are kept in vegetative growth for 3 – 20 days. The lighting is set at 24 hours on, 0 hours of dark and the nutrient is a high nitrogen mix.

For 12 – 16 weeks, plants convert to flower. Lighting is switched to 12 hours on, 12 hours dark and the nutrient is switched to a lower nitrogen / higher phosphorous mix.

Once the plants are ready for harvest, they are cut down and transported to the processing facility for processing by the operating members of Humboldt Herbststar Farms, Inc. The used soil is reclaimed per item 26 above. Any leftover organic matter is composted and recycled, or burned.

January: Work on mothers, cut clones, root, pot, work on different strains.

February: Work on mothers, cut clones, root, pot, work on different strains.

March: Work on mothers, cut clones, root, pot, work on different strains. Work may commence on amending the soil for the first cycle, mixing last year's soil with amendments and putting in the ground in preparation for planting.

April: Work on mothers, cut clones, root, pot, work on different strains. Prep those plants that go in the ground in May; cull out and compost the weaker plants as the month progresses. Set supplemental light for 24 hours of light per day during vegetative cycle. Nutrient is a high nitrogen mix.

May: First planting, plants go in the ground. Continue with supplemental lights until the root ball is sufficiently grown to commence flowering, 3 days to a week. When plants are ready to flower, switch lighting to 12 hours on, 12 hours dark using blackout tarps as necessary. At the same time, begin preparing plants for the second cycle in the mother house.



June: Continue to work on mothers, cut clones as necessary. First cycle still converting to flower.

July: Continue to work on mothers, cut clones as necessary. First cycle still converting to flower.

August: First of the early harvest and processing. Cut down plants and hang to dry and cure. Plants hang in a temperature and humidity controlled processing facility for 1 – 2 weeks, then are trimmed using a trim machine. Processed cannabis is packaged for distribution. Final cycle may go into the ground in August.

September: Work proceeds in the mother house, flowering house, in harvest and in processing.

October: Work proceeds in the mother house, flowering house, in harvest and in processing.

November: Nursery work and processing continues. Unused soils are set aside for amendment. Green compost and hay mulch applied as appropriate.

December: Nursery work and processing continues. Soils are left to Winter with hay mulch and green compost. All left over vegetation is composted or burned.

#### **Security Plan**

The cultivation site is remote and isolated, hidden from the road by trees and accessible only through a locked gate. Owner plans to install a n electronic surveillance system.



DSCD Holdings, LLC  
APN 210-071-007  
Application Number 11844  
11/25/2020

### **Description of Water Source, Storage, Irrigation Plan, and Project Water Usage**

Water supply is a groundwater well, approximately 310 ft from the creek and 180 ft above it in elevation. It emits a constant flow of over 12 gal per minute. Owner stores water in nine hard vinyl tanks (total of 30,000 gallons). There are an additional 6 hard vinyl tanks used for nutrient mixing with a combined total volume of 5,310 gallons.

Owner utilizes a spring for domestic use only (see site plan for location). There is a 5,000-gallon hard storage tank for domestic use only located near the point of diversion. Water is pumped from this first holding tank to a second 3,000 gallon holding tank that then delivers water to the residence.

Project uses both hand and drip irrigation, both closely monitored to reduce waste and eliminate runoff.

### **Water Use Estimates**

Month	Average Daily Use (gallons)	Monthly total (gallons)
January	200	6,200
February	200	5,600
March	200	6,200
April	1,480	43,200
May	2,080	64,500
June	2,750	82,500
July	2,800	87,000
August	3,100	96,000
September	2,900	87,000
October	1,500	46,500
November	200	6,000
December	200	6,200
Total estimated annual water usage		531,500

### **Description of Site Drainage**

Site is located on land with minimal slope (< 5%) and not hydrologically connected with any surface waters. The nearest surface water, Mule Creek, is over 250 feet from the cultivation area; all riparian buffers are undisturbed and maintained at natural slope with native vegetation. Owner carefully monitors watering to avoid runoff; fertilizers and chemicals are applied



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Email: tracyrain@rainzepplaw.com beornzepp@rainzepplaw.com

according to label specifications to minimize concentrations of chemicals. Owner utilizes straw on the slopes for erosion control. Cultivation sites are well maintained.

#### **Detail of Measures taken to Ensure Protection of the Watershed and Nearby Habitat**

Owner is careful not to overwater; leakage from cultivation is minimal. Sites are well maintained; owner uses a combination of agronomic irrigation and a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads in the cultivation medium. Owner utilizes straw on the slopes for erosion control. Owner is preparing to install culverts when whether permits. Owner carefully stores all chemicals, minimizes chemical use and uses organic pesticides only. Used soils are kept contained until they can be amended and reclaimed for the next season's planting.

#### **Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products**

Fertilizers, amendments and pesticides are all stored on pallets in Costco tents against the weather. They are applied according to label specifications, with a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads. Watering is carefully monitored to prevent runoff. Cultivation sites are well maintained, with no improperly stored nutrients or fertilizers on site.

The generator shed is on a concrete slab. Owner has a 1,000-gallon and a 550-gallon gas tank. Both tanks are in secondary containment with at least 110% the capacity of the tanks.

#### **Description of Cultivation Activities**

Proposed cultivation would be approximately 8,806 square feet of Mixed Light Cultivation, no more than 5 cycles per year, and 5,514 square feet of existing Outdoor Cultivation.

Greenhouses will be shielded such that little to no light escapes. Light from greenhouses shall not be visible from neighboring properties between sunset and sunrise. Generator noise will not be audible from nearby residences, and no more than 60 decibels at the property line.

#### **Processing Plan**

All drying and processing will be done on site by the members of DSCD Holdings, LLC. After harvest, plants are cut down and hung up in the temperature and humidity-controlled barn to dry and cure, 1 – 4 weeks. After the harvested plants are properly cured, they are machine trimmed into turkey bags for distribution. Any leftover plant material is composted and reclaimed.

#### **Number of Mixed Light Cultivation Cycles Proposed**

Proposed mixed light cultivation would have no more than 5 cycles per growing season.

#### **Schedule of Activities During the Season**

DSCD Holdings, LLC is committed to constant improvement of its growing and processing techniques. All operations are constantly refined to make them more efficient, cleaner, tidier, better – for DSCD Holdings, LLC, for the environment and for the patients who will ultimately consume the product. DSCD Holdings, LLC works year-round in the mother house, trying out new strains from seed and cutting clones. They are constantly planting, rooting, potting and caring for young plants. The work becomes more intensive and time consuming in the weeks leading up to planting in the ground, usually in May.

For each mixed light cycle, plants are kept in vegetative growth for 3 – 20 days. The lighting is set at 24 hours on, 0 hours of dark and the nutrient is a high nitrogen mix.

For 12 – 16 weeks, plants convert to flower. Lighting is switched to 12 hours on, 12 hours dark and the nutrient is switched to a lower nitrogen / higher phosphorous mix.

Once the plants are ready for harvest, they are cut down and transported to the processing facility for processing by the operating members of DSCD Holdings, LLC. The used soil is reclaimed per item 26 above. Any leftover organic matter is composted.

January: Work on mothers, cut clones, root, pot, work on different strains.

February: Work on mothers, cut clones, root, pot, work on different strains.

March: Work on mothers, cut clones, root, pot, work on different strains. Work may commence on amending the soil for the first cycle, mixing last year's soil with amendments and putting it in the ground in preparation for planting.

April: Work on mothers, cut clones, root, pot, work on different strains. Prep those plants that go in the ground in May; cull out and compost the weaker plants as the month progresses. Set supplemental light for 24 hours of light per day during vegetative cycle. Nutrient is a high nitrogen mix.

May: First planting, plants go in the ground. Continue with supplemental lights until the root ball is sufficiently grown to commence flowering, 3 days to a week. When plants are ready to flower, switch lighting to 12 hours on, 12 hours dark using blackout tarps as necessary. At the same time, begin preparing plants for the second cycle in the mother house.

June: Continue to work on mothers, cut clones as necessary. First cycle still converting to flower.

July: Continue to work on mothers, cut clones as necessary. First cycle still converting to flower.

August: First of the early harvest and processing. Cut down plants and hang to dry and cure. Plants hang in a temperature and humidity controlled processing facility for 1 – 2 weeks, then are trimmed using a trim machine. Processed cannabis is packaged for distribution. Final cycle may go into the ground in August.

September: Work proceeds in the mother house, flowering house, in harvest and in processing.

October: Work proceeds in the mother house, flowering house, in harvest and in processing.

November: Nursery work and processing continues. Unused soils are set aside for amendment. Green compost and hay mulch applied as appropriate.

December: Nursery work and processing continues. Soils are left to Winter with hay mulch and green compost. All left over vegetation is composted.

### **Security Plan**

The cultivation site is remote and isolated, hidden from the road by trees and accessible only through a locked gate. Owner plans to install an electronic surveillance system.

### **Greenhouses – Compliance with Humboldt County Zoning Regulations Section 313 – 69.1.5.2**

Greenhouse shall comply with Humboldt County Zoning Regulations Section 313 – 69.1.5.2 in that they shall not have concrete or impermeable floors, are not on prime ag soils and are the subject of a Conditional Use Permit.

### **Staffing Needs**

The normal operation of the project will require two people. Seasonal workers may reach 8 persons. Existing portable restroom, handwash and eyewash stations will be augmented as needed by contract with appropriate service providers.



DSCD Holdings, LLC  
APN 210-071-007  
Application Number 11844  
10/22/2018

## Revised Cultivation Operation Plan

### **Description of Water Source, Storage, Irrigation Plan, and Project Water Usage**

Water supply is a groundwater well, approximately 310 ft from the creek and 180 ft above it in elevation. It emits a constant flow of over 12 gal per minute. Owner stores water in five 3,000-gallon hard poly tanks (total of 15,000 gallons).

Owner utilizes a spring for domestic use only, identified on the Site Plan as, “(E) POINT OF DIVERSION.” The spring does not flow off of property. It is located on the adjacent hill to the south of the cultivation location. Water is gravity fed from the spring to a 2,500-gallon hard poly storage tank where it is pumped directly to the residence.

Project uses both hand and drip irrigation, both closely monitored to reduce waste and eliminate runoff.

Water usage is as shown in the Annual Report For Monitoring and Reporting Program Under Order No. R1-2015-0023, previously submitted to the Humboldt County Planning and Building Department and attached hereto for convenience.

### **Description of Site Drainage**

Site is located on land with minimal slope (< 5%) and not hydrologically connected with any surface waters. The nearest surface water, Mule Creek, is over 250 feet from the cultivation area; all riparian buffers are undisturbed and maintained at natural slope with native vegetation. Owner carefully monitors watering to avoid runoff; fertilizers and chemicals are applied according to label specifications to minimize concentrations of chemicals. Owner utilizes straw on the slopes for erosion control. Cultivation sites are well maintained.

### **Detail of Measures taken to Ensure Protection of the Watershed and Nearby Habitat**

Owner is careful not to overwater; nutrient run off from cultivation is minimal if any. Sites are well maintained; owner uses a combination of agronomic irrigation and a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads in the cultivation medium. Owner utilizes straw on slopes for erosion control. Owner carefully stores all chemicals in a secure storage shed, minimizes chemical use and uses organic pesticides only. Used soils are kept contained until they can be amended and reclaimed for the next cycles planting.

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### **Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products**

Fertilizers, amendments and pesticides are all stored on pallets in Costco tents against the weather. They are applied according to label specifications, with a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads. Watering is carefully monitored to prevent runoff. Cultivation sites are well maintained, with no improperly stored nutrients or fertilizers on site.

The generator shed is on a concrete slab. Owner has a 1,000 gal and a 550-gallon gas tank. Both tanks are in secondary containment. The secondary containment is sufficient in volume to capture the full capacity of the tanks in the event of a leak.

### **Description of Cultivation Activities**

Proposed cultivation would be up to 8,808 square feet of Mixed Light Cultivation, no more than 5 cycles per year, and up to 5,514 square feet of existing Outdoor Cultivation.

### **Compliance with International Dark Sky Standards**

Greenhouses shall be shielded such that little to no light escapes. Light from greenhouses shall not be visible from neighboring properties between sunset and sunrise.

### **Power Source**

Generator power is implemented in this project. The Generator is housed in a noise reducing secure shed and fuel is stored in secondary containment as described above. Noise will not be audible from nearby residences and no more than 60 decibels at the property line.

### **Processing Plan**

All drying and processing will be done on site by the members of DSCD Holdings, LLC and any necessary short term staff. After harvest, plants are cut down and hung up in the temperature and humidity-controlled barn to dry and cure, 1 – 4 weeks. After the harvested plants are properly cured, they are machine trimmed and packaged in turkey bags for distribution. Any leftover plant material is composted.

### **Number of Mixed Light Cultivation Cycles Proposed**

Proposed mixed light cultivation would have no more than 5 cycles per growing season.

### **Schedule of Activities During the Season**

DSCD Holdings, LLC is committed to constant improvement of its growing and processing techniques. All operations are constantly refined to make them more efficient, cleaner, tidier, better – for DSCD Holdings, LLC, for the environment and for the patients who will ultimately consume the product. DSCD Holdings, LLC works year-round in the mother house, trying out



new strains from seed and cutting clones. They are constantly cutting, rooting, potting and caring for young plants. The work becomes more intensive and time consuming in the weeks leading up to planting in the ground, usually in May.

For each mixed light cycle, plants are kept in vegetative growth for 3 – 20 days. The lighting is set at 24 hours on, 0 hours of dark and the nutrient is a high nitrogen mix.

For 12 – 16 weeks, plants convert to flower. Lighting is switched to 12 hours on, 12 hours dark and the nutrient is switched to a lower nitrogen / higher phosphorous mix.

Once the plants are ready for harvest, they are cut down and transported to the processing facility for processing. Used soil is reclaimed for re-use (as described above and more fully below). Any leftover organic matter is composted.

### **Table of Schedule of Activities**

<b>Month</b>	<b>Activity</b>
January	Work on mother plants, cut and root clones, pot up developing starts, work on different strains.
February	Work on mother plants, cut and root clones, pot up developing starts, work on different strains.
March	Work on mother plants, cut and root clones, pot up developing starts, work on different strains. Work may commence on amending the soil for the first cycle, mixing last year's soil with amendments and putting it in the ground, raised beds, and or containers in preparation for planting.
April	Work on mother plants, cut and root clones, pot up developing starts, work on different strains. Prep those plants to be planted out in May; cull out and compost the weaker plants as the month progresses. Set supplemental light for 24 hours of light per day during vegetative cycle. Nutrient is a high nitrogen mix.
May	First planting, starts are transplanted into growing medium. Continue with supplemental lights until the root ball is sufficiently grown to commence flowering, 3 days to a week. When plants are ready to flower, switch lighting to 12 hours on and 12 hours dark using blackout tarps to manipulate the light cycle and prevent light escape as necessary. Nutrient application is shifted from a high nitrogen mix to a low nitrogen high phosphorous mix. At the same time, begin preparing plants in the mother house for the second cycle.
June	Continue to work on mother plants, cut clones as necessary. First cycle still converting to flower. Nutrient application is further shifted from high nitrogen to lower nitrogen and higher phosphorous solution.
July	Continue to work on mother plants, cut clones as necessary. First cycle still converting to flower. Nutrient application is further shifted from high nitrogen to lower nitrogen and higher phosphorous mix.

August	First of the early harvest and processing. Cut down plants and hang to dry and cure. Plants hang in a temperature and humidity-controlled processing facility for 1 – 4 weeks, then are trimmed using a trim machine. Processed cannabis is packaged for distribution. Final cycle may be planted in August.
September	Work proceeds in the mother house, flowering houses, harvest and processing.
October	Work proceeds in the mother house, flowering houses, harvest and processing.
November	Nursery work and processing continues. Used soils are set aside for amendment. Green Manure cover crop seed mix and hay mulch applied as appropriate.
December	Nursery work and processing continues. Soils are left to Winter with hay mulch and Green Manure cover crop seed mix. All left over vegetation is composted.

### **Security Plan**

The cultivation site is remote and isolated, hidden from the road by trees and accessible only through a locked gate. Owner plans to install a n electronic surveillance system.

### **Greenhouses – Compliance with Humboldt County Zoning Regulations Section 313 – 69.1.5.2**

Greenhouses comply with Humboldt County Zoning Regulations Section 313 – 69.1.5.2 in that they do not have concrete or impermeable floors, are not on prime ag soils and are the subject of a Conditional Use Permit.

### **Staffing Needs**

The normal operation of the project will require two people. Seasonal workers may reach 8 persons. Existing portable restroom, handwash and eyewash stations will be augmented as needed by contract with appropriate service providers.

**ANNUAL REPORT FOR MONITORING AND REPORTING PROGRAM  
UNDER ORDER NO. R1-2015-0023**

*Note: This form must be electronically validated prior to submission. Failure to utilize the "Validate and Create Submittal" button at the bottom of the page may result in errors that delay the processing of your Annual Report.*

Enrollment and Site Information		
WDID	1B161657CHUM	
County	Humboldt	
<sup>1</sup> APN(s)	210-071-007-000	
Tier	2	
Reporting Date	02/28/2018	
Discharger Name	First Dennis	Last Wheeler
Discharger Relationship to Property	Operator and Owner	
Report Preparer	Authorized Representative	
<sup>2</sup> Report Preparer Organization	Timberland Resource Consultants	
<sup>3</sup> Date Water Resource Protection Plan Developed	05/17/2017	
<sup>3</sup> Date instream work performed		
<sup>3</sup> Date instream work planned		

<sup>1</sup>Separate multiple APNs using a semicolon (";").

APN formats by county are as follows: **XXX-XXX-XXX-000**: Del Norte, Glenn, Humboldt, Lake, Modoc, Sonoma, Siskiyou  
**XXX-XXX-XX-00**: Mendocino, Trinity  
**XXX-XXX-XXX**: Marin

<sup>2</sup>Required only if report is prepared by an Authorized Representative.

<sup>3</sup>Dates required only if applicable.

<b><sup>4</sup>Site in Compliance with Standard Conditions?</b>		
Standard Condition	Yes/No	Expected Date of Compliance
1) Site maintenance, erosion control, and drainage features	Yes	
2) Stream crossing maintenance	Yes	
3) Riparian and wetland protection management	Yes	
4) Spoils management	Yes	
5) Water storage and use	Yes	
6) Irrigation runoff	Yes	
7) Fertilizers and soil amendments	Yes	
8) Pesticides and herbicides	Yes	
9) Petroleum products and other chemicals	Yes	
10) Cultivation-related wastes	Yes	
11) Refuse and human waste	Yes	

<sup>4</sup>If a standard condition is not met, indicate "No" and provide expected date of compliance in the adjoining box to the right. If a standard condition has been met or is not applicable (for instance, if there are no stream crossings onsite) indicate "Yes" the standard condition has been met and leave adjoining space blank.



If you are experiencing problems completing this form electronically please contact the Cannabis Unit at the North Coast Regional Water Quality Control Board for assistance at (707) 576-2676 or by email at [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

## **REMEDIATION PLAN**

Remediation Plan for areas deemed expansion of operation by Humboldt County Planning and Building department based on Cultivation Area Verification (CAV) dated March 6, 2018

- I. Areas identified as an expansion will not be used for the cultivation of cannabis. This item is complete as all cannabis cultivation has been removed from this area prior to this writing.
- II. The entire area identified as expansion is within the 100 feet of existing structures and will therefore be regularly maintained as a fire safe area with grass and brush cut to less than 6 inches during dry seasons.
- III. No significant grading was done as part of the expansion, however any distortions of the contours of the ground have been raked back to preexisting contours and native seed mix has been scattered on the areas. Additional seed scattering will be performed at least once each quarter for one year or until grass cover is established whichever comes first.
- IV. All waste and cultivation materials have been removed with the exception of land owner's vegetable garden which will remain in the area.
- V. Applicant will monitor the remediation area at least quarterly and will reseed as necessary and seasonally appropriate



# **Water Resource Protection Plan**

**WDID#: Pending**

**TRC ID#: 180101050901TRC221**

*Submitted to:*

**Dennis Wheeler**

*Prepared by:*

**Timberland Resource Consultants**

**165 South Fortuna Blvd**

**Fortuna, CA 95540**

**Initial Report:  
04/13/2016**



### **Property Description**

The property is a 31 acre parcel containing a commercial cultivation project, associated residence. The property is located within the SE ¼ of Section 26, Township 1N, Range 4E, Humboldt County.

### **Monitoring Plan**

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

### **Monitoring Plan Reporting Requirements**

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov). If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

### **Assessment of Standard Conditions**

Assessment of Standard Conditions consisted of field examinations on 10/13/2016. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions. This includes but is not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.



- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected<sup>1</sup>, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

**No clearings, fill prisms, and terraced areas are hydrologically connected with any surface waters.**

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

**All ditch relief drains, rolling dip outlets, and road/terrace pads are maintained to prevent soil transportation.**

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

**This condition is not applicable as the Discharger has no construction materials stored on the property.**

## **2. Stream Crossing Maintenance (Compliance: Y☒ / N☐)**

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.<sup>2</sup>
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.<sup>3</sup>

**There is one stream crossing located within property boundaries. This stream crossing consists of an existing bridge over Mule Creek. The bridge is at least 20 years old and is compliant with all standard conditions relevant to stream crossings.**

<sup>1</sup> Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. ([http://www.forestsandfish.com/documents/Road\\_Mgmt\\_Survey.pdf](http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf))

<sup>2</sup> At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

<sup>3</sup> If infeasible to install a critical dip, an alternative solution may be chosen.

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

**There are no construction generated spoils piles on the property. If any actions produce soil spoils they will be placed in a location where they are stable and cannot reach surface waters.**

**5. Water Storage and Use (Compliance: Y ☒ / N ☐)**

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12<sup>6</sup> watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

**The project consists of one cultivation site totaling approximately 14,322 square feet. This cultivation site is made up of six greenhouses, four nursery structures and an outdoor patch. Cultivation occurs on a developed landing with a relatively flat slope (<5%).**

**The Discharger relies on a groundwater diversion to irrigate the cultivation site. This well is located approximately 310' from Mule Creek and 180' above it in elevation.**

**The Discharger also utilizes a spring diversion for indoor domestic use. The diversion consists of a 12" diameter concrete cistern buried approximately 1' into the ground. The diversion gravity feeds to a 2,500 gallon storage tank before being pumped up to a 5,000 gallon storage tank before gravity feeding to the residence.**

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

**The Discharger utilizes morning irrigation techniques as a water conservation strategy. The Discharger shall implement more water conservation measures.**

- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

**The project contains 27,500 gallons of total water storage. Domestic water is stored in 2,500 and 5,000 gallon hard poly tanks. Irrigation water is stored in three 5,000 gallon hard poly tanks. Water for fire protection is stored in one 2,500 gallon hard poly storage tank. The Discharger uses ground water to irrigate crops and thus does not need to develop more storage.**

<sup>6</sup> See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>



There are no signs of irrigation run-off within either cultivation site. The Discharger irrigates at an agronomic rate to minimize waste and the risk of entrained constituents leaving the site.

7. Fertilizers and Soil Amendments (Compliance: Y☒ / N☐)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

**Fertilizers and soil amendments are stored within small plastic sheds dispersed throughout the cultivation site. This structure protects these materials against transportation from the site. The nearest watercourse is over 200' away.**

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

**All fertilizers and soil amendments are applied by the Discharger at agronomic rates per specifications included in the labeling. Cannabis is sensitive to the overloading of nutrients and thus the Discharger maintains a balanced N-P-K ratio within the soil.**

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

**Cultivation sites are well maintained with no improperly stored nutrients or fertilizers found at either site. The Discharger uses a combination of agronomic irrigation and a reduction in fertilizer use as harvest approaches to minimize left over nutrient loads in the cultivation medium.**

8. Pesticides/Herbicides (Compliance: Y☒ / N☐)

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

**The Discharger uses only CA legal pesticides purchased over the counter at any hydroponic or horticulture store. They are stored with the fertilizers and amendments in the storage sheds.**

11. Refuse and Human Waste (Compliance: Y☒ / N☐)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

**The Onsite Wastewater Treatment System (OWTS) serving the residence appears to be functioning properly. No evidence of dispersal field failure was detected when inspected and the location of the system meets all applicable setback requirements. Although permit records for the system could not be obtained, it is likely that this system will fall under Tier 0 (existing systems that are properly functioning and do not meet the conditions of failing systems or otherwise require corrective action – as defined in the RWQCB OWTS Policy and Humboldt County Local Agency Management Plan).**

- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

**Refuse and garbage is contained in trash bins near the residence. This location is over 200' from the nearest watercourse and prevents waste from leaving the site.**

- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

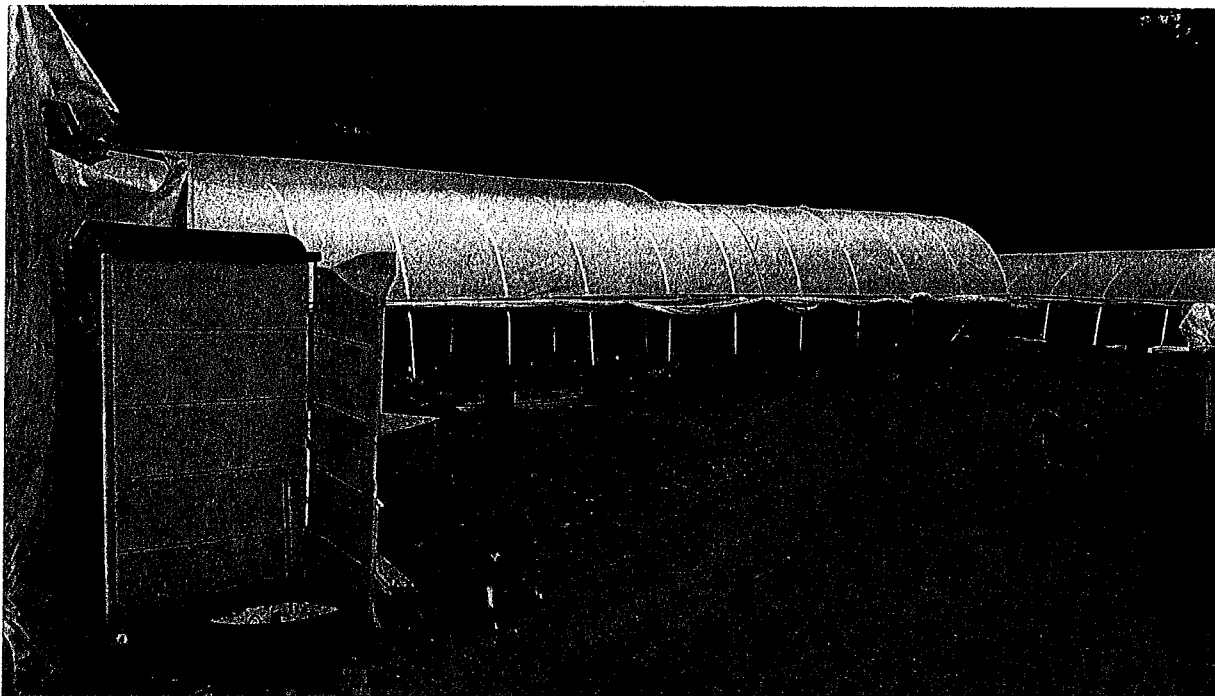
**All waste is transported to the Fortuna or Eureka Transfer Station for disposal once a month.**

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rock native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

**Mitigation measures are listed in the Mitigation Report and also noted above in the document. All locations listed within the mitigation report will be monitored by the discharger.**

## Photographs



**Picture 2:** This is a photograph of more greenhouses located at the Cultivation Site. Photo date: 10/13/2016

**Photographs**



**Picture 4:** This is a photograph of the well located on the property. A burn bin can also be seen in the photo. Photo date: 10/13/2016

## Photographs



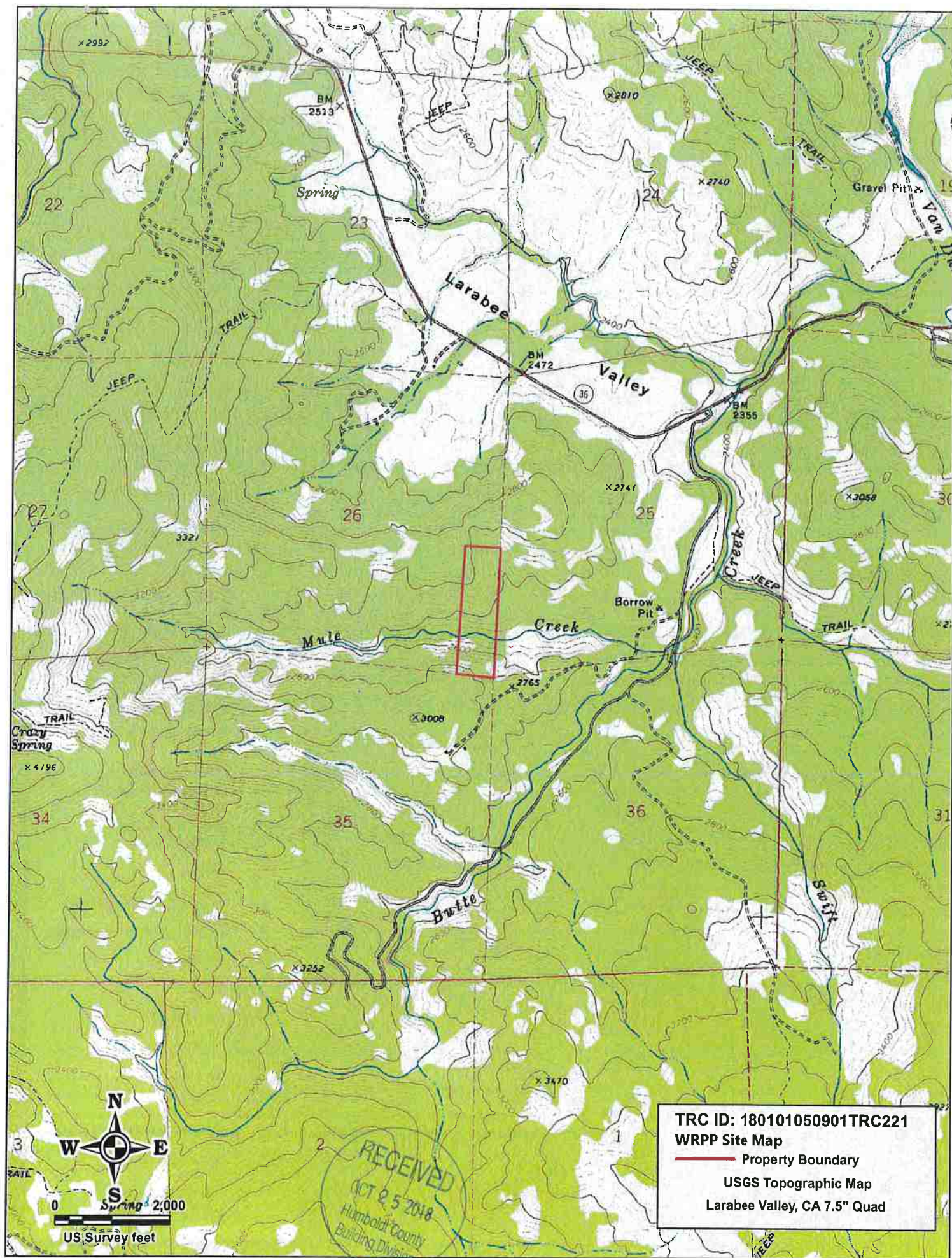
**Picture 6:** This is a photograph looking uphill from the domestic POD. There are no watercourses or concentrated surface flows above this location. Photo date: 10/13/2016

## Photographs

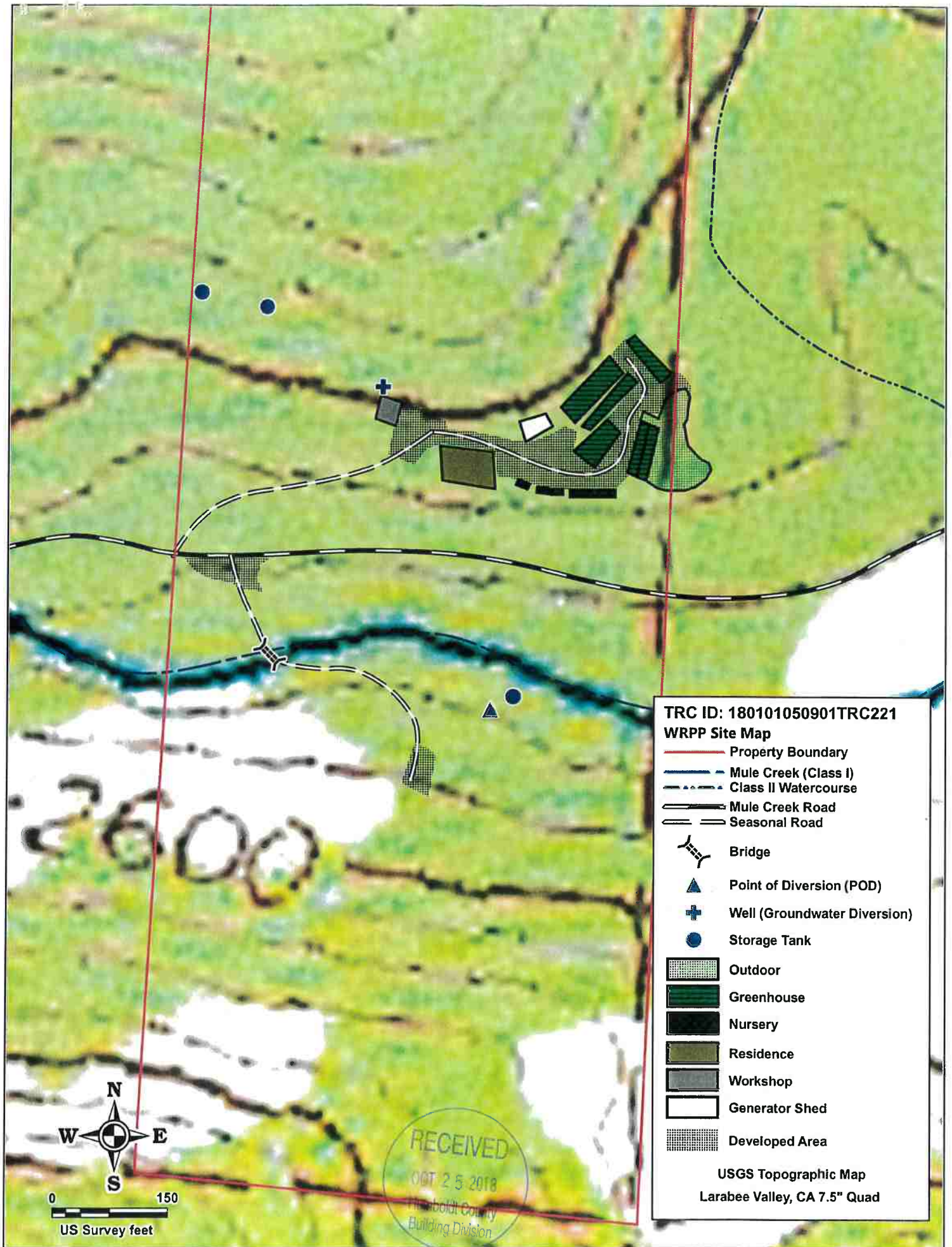


**Picture 8:** This is a photograph of one of the material storage tents located at the Cultivation Site. Cultivation and construction materials are neatly stored and piled in canvas tents which prevent them from leaving the site and being exposed to weather. Photo date: 10/13/2016









TRC ID: 180101050901TRC221  
WRPP Site Map

- Property Boundary
- Mule Creek (Class I)
- Class II Watercourse
- Mule Creek Road
- Seasonal Road
- Bridge
- Point of Diversion (POD)
- Well (Groundwater Diversion)
- Storage Tank
- Outdoor
- Greenhouse
- Nursery
- Residence
- Workshop
- Generator Shed
- Developed Area

USGS Topographic Map  
Larabee Valley, CA 7.5" Quad



# **Attachments**

**Best Management Practices, Diagrams, Supplemental Information**



State Water Resources Control Board  
DIVISION OF WATER RIGHTS

FORM FOR

DEMONSTRATING WATER DIVERSION FOR CANNABIS CULTIVATION USE IS ALLOWED  
WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION 19332.2 (b)(4)

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

Water Right Claim Information

(Select one. Only complete this form if your diversion is subject to Water Code Section 5101 (a), (c), (d), or (e))

☒ Spring that does not flow off property in the winter<sup>1</sup> ☐ Groundwater Recordation Program<sup>2</sup> ☐ Diversion Managed by Watermaster<sup>3</sup>

<sup>1</sup> Spring cannot flow off of the property on which it is located and total diversions cannot exceed 25 acre-feet in any year.

<sup>2</sup> For groundwater wells in Counties of Riverside, San Bernardino, Los Angeles, and Ventura that extract more than 25 acre-feet in any year.

<sup>3</sup> Your diversions are regulated and reported annually by a Watermaster appointed by the Department of Water Resources or Court who files reports with the Board.

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

Diverter Information

Diverter Name(s)

Dennis Wheeler

Mailing Address

1771 China Mine Road

City

Bridgerville

State

CA

Zip

95526

Phone Number

707-502-8337

Email Address

Person Filing Form (Agent Information)

(If different from diverter information above)

Agent Name

Jack Henry

Company Name

Timberland Resource Consultants

Mailing Address

165 S. Fortuna Blvd

City

Fortuna

State

CA

Zip

95540

Phone Number

707-725-1897

Email Address

trc@timberlandresource.com

Land Owner Name

(If different from diverter information above)

Land Owner Name

Mailing Address

City

State

Zip

Phone Number

Email Address

Mail Receiver:

(Select one only)



Diverter



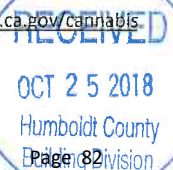
Person Filing Form (Agent)

Checklist for Submission of this Form

- ☒ Answer each question completely
- ☒ Attach map and photos clearly showing the Place of Use (POU) and Point of Diversion (POD) locations
- ☒ Sign and Date form

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at <http://www.waterboards.ca.gov/cannabis>

Revised May 2017



**Section 1: Water Course Description**

Water Course Name at the POD (Use the name shown on a USGS Quadrangle. If none, use "Unnamed Spring" or "Unnamed Stream", as applicable)

Unnamed Groundwater

Water Course is tributary to (First named stream downstream of POD shown on USGS Quadrangle)

None

**Section 2: Point of Diversion and Legal Land Description**

(Provide the location of the POD using one of the following methods (check one box and enter data if applicable))

☐ Latitude/Longitude Measurements: Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_☐ California Coordinate System (NAD1983) North: \_\_\_\_\_ East: \_\_\_\_\_ Zone: \_\_\_\_\_☒ USGS Topographic Map with Point of Diversion labeled on map (If checked, map must identify POD)

(Provide the following information if assigned on assessor's parcel number (APN))

APN where POD is located:

210-071-007

County

Public Land Description to nearest 40 acres

SE ¼ of the SE ¼ of Section 26 Township 1N Range 4E B&amp;M Humboldt

**Section 3: Place of Use Description**

(Check boxes indicating each map to be provided)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

☒ USGS Topographic Map☐ County Assessor's Parcel Map☐ Map with identifiable landmarks

Provide a general description of the area in which the water was used (e.g. Domestic water supply for house, and irrigation of greenhouse, specifically describe any cannabis cultivated areas)

30 acre parcel with homestead and commercial agriculture

List all Assessor's Parcel Numbers (APNs) where the water will be used

210-071-007

**Section 4: Purpose of Use Description**

(Select all that apply)

Irrigation (Cannabis Area)  
Square Feet of cultivation area:

13,700

Number of cannabis plants:

Varies

Irrigation (non-cannabis area)  
Number of acres:

\_\_\_\_\_

Domestic  
Maximum number of persons to be served:

4

Stock watering  
Number and type of stock:

\_\_\_\_\_

**Section 5: Quantity of Water Diverted**

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:



Gallons



Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
6,200,000	5,600,000	6,200,000	43,200,000	64,500,000	82,500,000	87,000,000	96,000,000	87,000,000	46,500,000	6,000,000	6,200,000	536,900,000

**Section 6: Maximum Rate of Diversion**

Complete this section regarding the maximum rate of diversion

Year of maximum diversion: 2016

In what month do you divert the most water? August

What is the rate of maximum diversion? 5.00



Gallons per Minute



Gallons per Day



Cubic Feet Per Second

**Section 7: Cannabis Cultivation Use**

Provide the total amount of water used for cannabis cultivation during the prior calendar year

Quantity 463,900.00☐

Gallons

☐

Acre-Feet

Is your cultivation of cannabis for commercial purposes?

☒

Yes

☐

No

If you intend to apply for a license under California Department of Food and Agriculture's Cannabis Cultivation Program, your response will help the State Water Board efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under the Business and Professions Code.

**Section 8: Special Requirements**

(Complete this section for the water right type you selected in "Water Right Claim Information" at the top of form)

**For springs that do not flow off property:**What is the maximum flow rate of the spring during the wet season, in any year: 0.00☒

Gallons per Minute

☐

Gallons per Day

Attach a map that depicts the springhead location, the location where the spring would naturally terminate without diversions, property boundaries, and scale of the map. You may include this information on the same map used in Section 3.

**For participants in the State Water Resources Control Board's Groundwater Recordation Program (If applicable):**

Notice of Extraction and Diversion of Water Identification Number(s): \_\_\_\_\_

Attach copies of any applicable Notices of Extraction and Diversion of Water

**For diverters regulated by a Watermaster appointed by the Department of Water Resources (DWR) or a Court:**

Provide the name of the Watermaster who regulates the diversion: \_\_\_\_\_

\_\_\_\_\_ Page Number where the applicant's name and a description of the general purposes and the place, the use, and the quantity of water that has been diverted from each source can be found in the annual report

Attach a copy of the most recent annual report filed by the Watermaster with a court or the State Water Resources Control Board

Attach documentation establishing the Watermaster is appointed by: DWR, a court, or pursuant to a statute to administer a final judgment determining rights to water

**Section 9: Signature**

I declare that the information in this report is true to the best of my knowledge and belief. I also acknowledge the following:

THIS FORM IS A REQUIREMENT OF BUSINESS AND PROFESSIONS CODE §19332.2 subd. (b)(4)

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD.

THIS FORM DOES NOT CONSTITUTE A STATEMENT OF WATER DIVERSION AND USE AND THE STATE WATER RESOURCES CONTROL BOARD'S ACCEPTANCE OF THE FORM DOES NOT VALIDATE OR CONFIRM THE INFORMATION CONTAINED, HEREIN.

THE MAKING OF A WILLFUL MISSTATEMENT ON THIS FORM B4 AND ANY SUPPORTING DOCUMENTATION IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 PLUS AN ADDITIONAL \$250 FOR EACH DAY THE VIOLATION CONTINUES IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF NOTIFICATION OF THE VIOLATION. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §1847.)

Signature:

Jack A. Henry

Date:

6/28/2017

Printed Name:

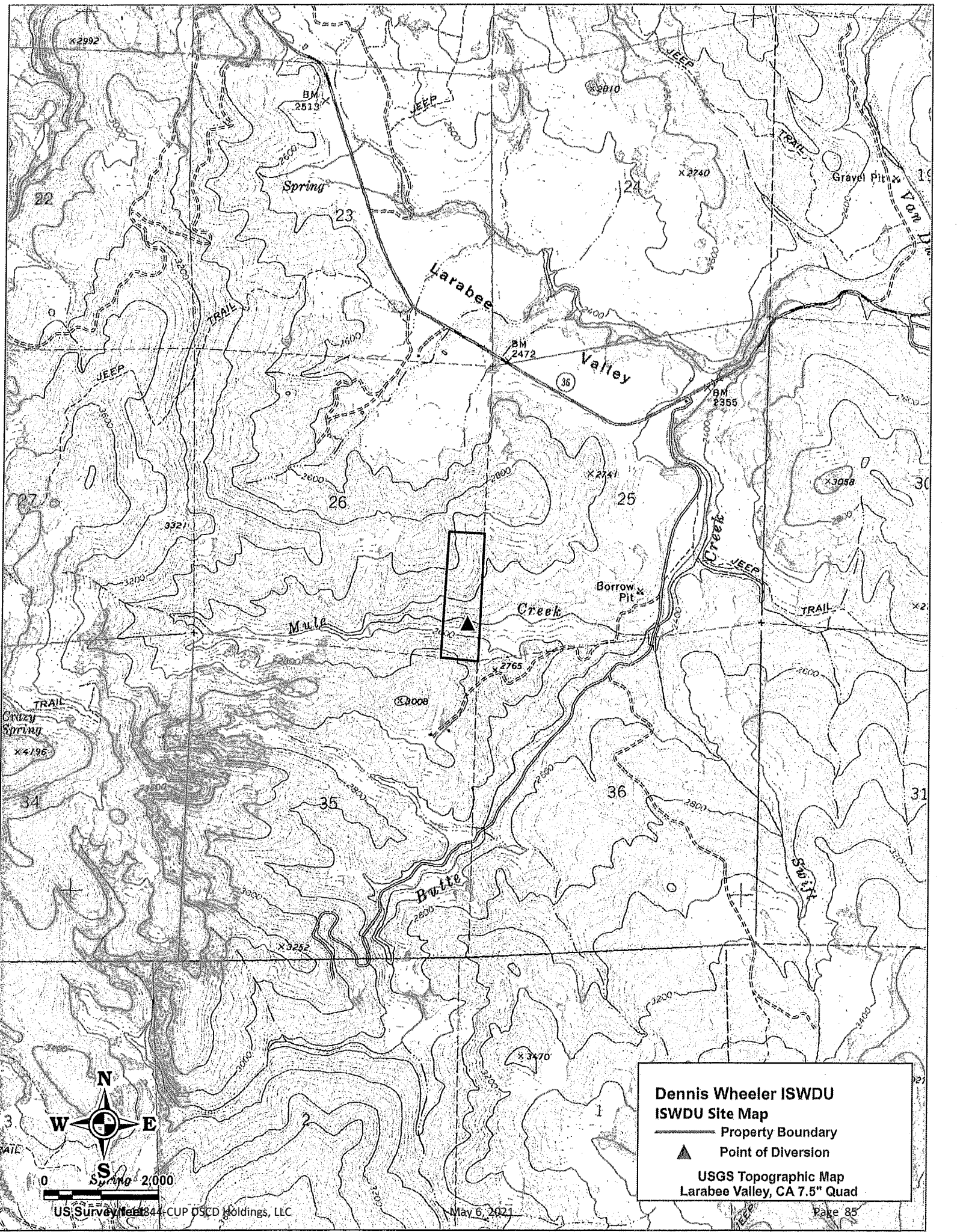
JackAHenry

(first name)

(middle name)

(last name)





**Dennis Wheeler ISWDU  
ISWDU Site Map**

— Property Boundary

▲ Point of Diversion

USGS Topographic Map  
Larabee Valley, CA 7.5" Quad

July 31, 2019

WDID:1\_12CC419298

DENNIS WHEELER  
1771 CHINA MINE ROAD  
BRIDGEVILLE, CA 95526

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

190731\_1L\_1\_12CC419298\_1B161657CHUM\_China Mine Road\_NOA\_TW



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, DENNIS WHEELER, HUMBOLDT COUNTY APN(s) 210-071-007-000**

Dennis Wheeler (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 28, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC419298**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161657CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by September 25, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501

RECEIVED

MAY 16 2019

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2018-0651-R1

Unnamed Tributary to Mule Creek, Tributary to Butte Creek, Tributary to the Little Van Duzen River, Tributary to the Van Duzen River, Tributary to the Eel River and the Pacific Ocean

Dennis Wheeler  
Wheeler Water Diversion and Stream Crossing Project  
2 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Dennis Wheeler (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on October 25, 2018, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

**PROJECT LOCATION**

The project to be completed is located within the Mule Creek watershed, approximately 7 miles southeast of the town of Bridgeville, County of Humboldt, State of California. The project is located in Section 26, T1N, R4E, Humboldt Base and Meridian; in the Larabee U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 210-071-007; latitude 40.4302 N and longitude 123.6849 W.

**PROJECT DESCRIPTION**

The project is limited to two encroachments. The first encroachment is for water diversion from an unnamed tributary to Mule Creek. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion



infrastructure. The other encroachment is the use an existing steel flat bridge crossing on Mule Creek a Class I stream. An existing groundwater well is used for agricultural irrigation.

## **PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

### **Impacts to water quality:**

increased water temperature;  
reduced instream flow;  
temporary increase in fine sediment transport;

### **Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:**

loss or decline of riparian habitat;  
direct impacts on benthic organisms;

### **Impacts to natural flow and effects on habitat structure and process:**

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification

materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.



- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on October 25, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

### **Project Timing**

- 2.3 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.5 Avoidance of Nesting Birds. Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

### **Water Diversion**

- 2.6 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **five (5) gallons per minute (gpm)** at any time.
- 2.7 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.8 Seasonal Diversion Minimization. No more than **200 gallons per day** shall be diverted during the low flow season from **May 15 to November 15** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.6 and 2.7 of this Agreement.
- 2.9 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by

the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:

- 2.9.1 The date diversion occurred.
- 2.9.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.9.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

#### **Water Diversion Facility**

- 2.10 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.11 Intake Structure Placement. Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.12 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
  - 2.12.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
  - 2.12.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
  - 2.12.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
  - 2.12.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be

placed in pool habitat.

- 2.13 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.14 **Exclusionary Devices.** Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.15 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.16 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

#### **Diversion to Storage**

- 2.17 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.18 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.19 **Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.20 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.21 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as



appropriate for the water diversion and water storage. The application for this registration is found at:  
[http://www.swrcb.ca.gov/waterrights/publications\\_forms/forms/docs/sdu\\_registration.pdf](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

- 2.22 **Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of 50 feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

### **Erosion Control and Pollution**

- 2.23 **Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.24 **Erosion Control.** Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.
- 2.25 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.
- 2.26 **Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.
- 2.27 **Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that

contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

- 2.28 Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.29 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.30 No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

### **3. Reporting Measures**

- 3.1 Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.9) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.

### **CONTACT INFORMATION**

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

**To Permittee:**

Dennis Wheeler  
1771 China Mine Rd.  
Bridgeville, CA 95526

**To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2018-0651-R1

**LIABILITY**

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

**SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

**ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

## **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

## EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at [http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

## AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

## AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.



**CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Dennis Wheeler**

Dennis Wheeler

Dennis Wheeler

5-7-19

Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

Scott Bauer

Scott Bauer

Senior Environmental Scientist Supervisor

5/20/19

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, March 28, 2019

State of California  
**Well Completion Report**  
Form DWR 188 Complete 3/9/2018  
WCR2018-000568

Owner's Well Number 1 Date Work Began 01/15/2018 Date Work Ended 01/17/2018  
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
Secondary Permit Agency \_\_\_\_\_ Permit Number 16/17-0244 Permit Date 09/22/2016

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>XXXXXXXXXXXXXXXXXXXX</u>	Activity <u>New Well</u>
Mailing Address <u>XXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXX</u>	Planned Use <u>Water Supply Domestic</u>
City <u>XXXXXXXXXXXXXXXXXXXX</u> State <u>XX</u> Zip <u>XXXXX</u>	

Well Location	
Address <u>1771 China Mine RD</u>	APN <u>210-071-007</u>
City <u>Bridgeville</u> Zip <u>95526</u> County <u>Humboldt</u>	Township <u>01 N</u>
Latitude _____ N Longitude _____ W	Range <u>04 E</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>26</u>
Dec. Lat. <u>40.4306</u> Dec. Long. <u>-123.6854</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>50</u> (Feet below surface)
Drilling Method <u>Downhole Hammer</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>180</u> Feet	Water Level <u>70</u> (Feet) Date Measured <u>01/17/2018</u>
Total Depth of Completed Well <u>180</u> Feet	Estimated Yield* <u>60</u> (GPM) Test Type <u>Air Lift</u>
	Test Length <u>4</u> (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface	Feet to Feet	Description
0	50	Tan/Brown Sandstone
50	120	Blue Sandstone
120	180	Blue Sandstone with Shale

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			*
2	0	80	Blank	PVC	N/A	0.291	4.95			*
2	80	140	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.25	
2	140	160	Blank	PVC	N/A	0.291	4.95			*
2	160	180	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.25	*

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 Hole Plug
20	180	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	20	13
20	180	7.875

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name

WATSON WELL DRILLING, INC.

Person, Firm or Corporation

500 Summer Street

Eureka

CA

95501

Address

City

State

Zip

Signed

electronic signature received

01/22/2018

1014048

C-57 Licensed Water Well Contractor

Date Signed

C-57 License Number

DWR Use Only

CSG #

State Well Number

Site Code

Local Well Number

N

W

Latitude Deg/Min/Sec

Longitude Deg/Min/Sec

TRS:

APN:

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** *Part A may be completed by the applicant*

Applicant Name: Dennis Wheeler

APN: 210-071-007

Planning & Building Department Case/File No.: 11844

Road Name: China Mine Road (complete a separate form for each road)

From Road (Cross street): Highway 36

To Road (Cross street): 1771 China Flat Road

Length of road segment: 1.2 Miles miles Date Inspected: 7-20-18

Road is maintained by: ☐ County ☒ Other Private

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

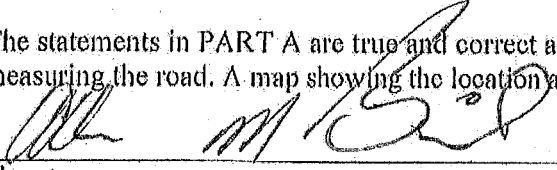
Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

  
Signature

8-7-18  
Date

Allan M. Baird

Name Printed

**Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707-445-7205.**



**PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.**

Road Name: China Mine Road

Date Inspected: 7-20-18

APN: 210-071-007

From Road: HWY 36

(Post Mile ± 30 )

Planning & Building  
Department Case/File No.:  
11844

To Road: China Mine Road

(Post Mile 1.2 )

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:  
(Contact the Planning & Building Department for information on other nearby projects.)

ADT: <100

Date(s) measured: 7-20-18

Method used to measure ADT: ☐ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☒ Yes ☐ No

If YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*, Complete sections 2 and 3 below.

If NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes,

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

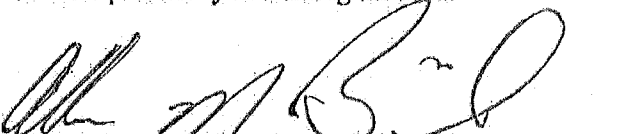
3. Conclusions/Recommendations per AASHTO. Check one:

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

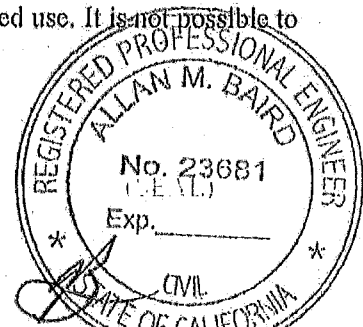
☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

  
Signature of Civil Engineer

8-7-18  
Date



**Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works, Land Use Division at 707-445-7205.**

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	On file with Planning (Accela)
Public Works, Land Use Division	✓	Approval	On file with Planning (Accela)
CAL FIRE	✓	Approval	Attached
Bridgeville Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	Attached – staff email requesting comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria		Conditional approval	On file and confidential
Bridgeville Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	

▼ Pre-Site Inspection

Status:

[History](#)

**PRE-SITE**

**Project Started**

☐ Yes ☐ No

**AOB Inspection**

☐ Yes ☐ No

**Soil Required Due to**

**Project is in flood zone A**

☐ Yes ☐ No

**2nd Flood Certificate Required**

☐ Yes ☐ No

**SRA requirements apply**

☐ Yes ☐ No

**SRA water storage requirements apply**

☐ Yes ☐ No

**Grading permit required**

☐ Yes ☐ No

**Erosion and sediment control measures required**

**Lot created prior to 1992**

☐ Yes ☐ No

**Incomplete Submittal Construction Plan**

☐ Yes ☐ No

 Standard Comment

**Plans Stamped by Licensed Prof Required**

☐ Yes ☐ No

**Soil Report Required**

☐ Yes ☐ No

**FIRM panel number**

(Text)

**Flood elevation certificate required**

☐ Yes ☐ No

**Project appears to be within wet area**

**Appr.SRA req. need to be shown on plot plan**

☐ Yes ☐ No

**Driveway slope appears to be**

**Submit engineered foundation for**

**Applicant must locate property lines**

☐ Yes ☐ No

**Plot plan incomplete, must be revised**

☒ Yes ☐ No

**Other concerns exist**

☐ Yes ☐ No

2-5-19

Revise site plan to show all buildings with the correct use and dimensions (so that each building can be identified with its correct use and dimensions) and the perimeter dimensions of each cultivation area. Ensure plan of operation is up to date.

RM

**check spelling**

**Attachment(s) :** 



**We have reviewed the above application and recommend the following (please check one):**

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

**From:** [Meghan Ryan](#)  
**To:** [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Cc:** [Johnson, Cliff](#); [Megan Marruffo](#)  
**Subject:** APPS #11844 - DCSD Holdings, LLC - APN: 210-071-007: PROJECTED HEARING DATE: MAY 6 2021  
**Date:** Thursday, April 22, 2021 9:58:00 AM

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Good morning, Scott – I hope you're doing well! I am reviewing the DCSD Holdings, LLC, project and did not see any CDFW comments. I wanted to check in with you to see if CDFW has any comments for this project.

Here is the project description:

A Conditional Use Permit for continued cultivation of 14,322 square feet (SF) of existing outdoor cannabis of which 5,514 SF is full-sun outdoor and 8,808 SF is mixed-light in six (6) greenhouses. Ancillary propagation occurs in six (6) distinct areas totaling 2,670 SF. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 28,310 gallons in 13 hard poly tanks, with an additional 18,000 gallons of water storage proposed (six 3,000-gallon tanks), which would increase the total available water storage onsite to 46,310 gallons. Estimated annual water usage is 531,500 gallons. Drying, curing, and machine trimming occurs onsite in an existing 900 SF shop and an 834 SF drying facility. All other processing will occur off-site at a licensed processing or manufacturing facility. The operation generally requires two (2) employees; however, up to eight (8) employees may be utilized during peak operations. Power is provided by a generator.

Please let me know if you have any comments or questions on this project.

Best,  
Meghan



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Planning Director  
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